The New Federalism *Tom Geoghegan*

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A Journal of Politics and the Arts – March 10, 1973, 50 cents

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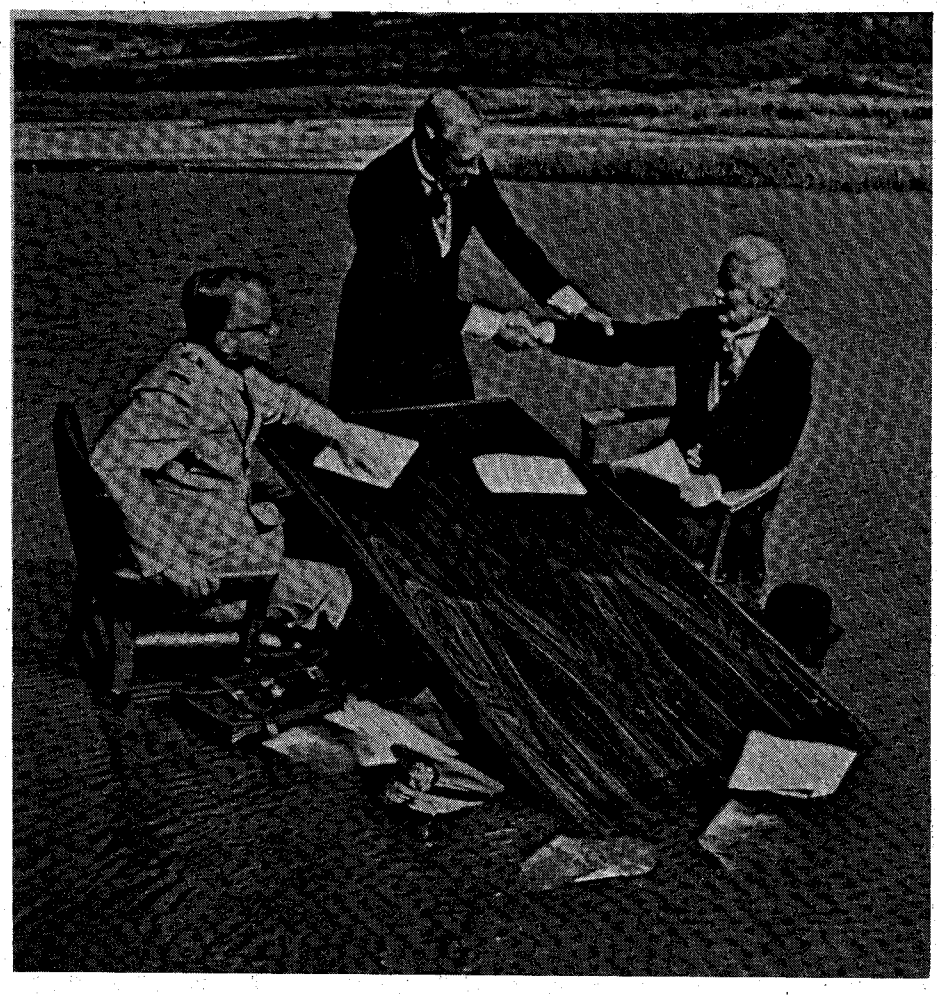
Could Psychology Today have prevented the Vietnam War?

Another example of the behavioral discoveries which are shaping the thinking of a new generation of thoughtful readers



"How could we have been so stupid?" President John F. Kennedy asked after he and a close group of advisers had blundered into the Bay of Pigs invasion.

But stupidity was not the answer. The men who participated in the Bay of Pigs decision comprised one of the greatest arrays of intellectual talent in the history of American government.

Yale University psychologist Irving L. Janis spent two years looking for the answer. He studied not only the Bay of Pigs but also Pearl Harbor, Vietnam, and other policy disasters.

In each case, he found the decision-makers to be victims of certain clear laws of what he calls Groupthink, a process that results in the distortion of sound collective judgment.

Symptoms of Groupthink

"I was surprised to discover," he wrote in a recent article in Psychology Today, "the extent to which each group displayed the typical phenomena of social conformity that are regularly encountered in studies of group dynamics among ordinary citizens.

Janis was able to isolate and illustrate 8 symptoms of Groupthink, such as Feelings of Invulnerability, Rationalization, Assumptions of Inherent Morality, Stereotyped Views of the Adversary, and Pressure to Conform.

Successful Planning Also Studied

As a counterpoint to this gloomy picture, Janis also investigated two highly successful group enterprises, the formulation of the Marshall Plan in the Truman Administration and the handling of the Cuban missile crisis by President Kennedy and his advisers.

From these observations, he has drawn 9 recommendations for preventing Groupthink which can be used by any planning group, whether it's the Pentagon or your local P.T.A.

What if Janis's conclusions had been developed ten years earlier? And what if there had already been a magazine called Psychology Today to communicate world-changing ideas like these to a wide general audience of thoughtful readers? Might it have prevented the tragic American military intervention in Vietnam?

We'll never know. But there is reason to hope that the discoveries being made by psychologists about human and animal behavior today can help prevent "another Vietnam"...if they can be broadly disseminated in time.

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TRB

from Washington
March 10, 1973

Bankruptcy

At 5:00 in the morning of September 23, 1950 wild Bill Langer from North Dakota collapsed from exhaustion on the Senate floor and his filibuster collapsed with him and the chamber, 57 to 10, passed over President Truman's veto the law setting up the Subversive Activities Control Board.

Almost unnoticed last week, the funds for the SACB ran out. The last institutional link to Joe McCarthy in Washington came to an end, though the corpse won't be legally buried till June 30. Up there, somewhere, Harry Truman must be chuckling. He said it wouldn't work and it didn't; in 22 years its five members, drawing $36,000 each a year for opening their mail, haven't registered a single Communist and only one group—the Communist Party of the US itself. About $10 million it has cost.

I went over last week to look at the place; a kind of sullen melancholy filled the suite, with an American flag in every room and the anodyne that comes as an era ends; people were smiling like comrades-in-arms in a lost cause—talking about what they would do. There was the somber cheerfulness of a wake.

Richard Nixon was connected with it from the first. It was his bill, the Mundt-Nixon bill, later the McCarran bill, that set up the SACB. He used this and the House Un-American Activities Committee as a springboard to the Senate. As President he looked fondly on his deformed brainchild which the courts had crippled; in citing an eight-point "minimum program" for controlling communism, his point 4 was "vigorous and strict enforcement of the Subversive Activities Control Act . . . so that they [all Communists] may be labeled properly for what they are."

It gave me a little shiver to look in, even at the death scene. What if Joe McCarthy had been a different type, dedicated instead of frivolous, a genuine crackpot-with-a-cause instead of an amoral pirate? The original bill proposed that every member of the Communist Party was to register annually; every time a Communist organization went to the radio or sent out material it was supposed to identify itself as a Communist organization like a cigarette advertisement. The bill's language brings back the whole atmosphere—what is that numbing odor? "There exists a world Communist movement," the preamble says, "a world-wide revolutionary movement whose purpose it is, by treachery, deceit, infiltration, espionage, sabotage, terrorism and other means to establish a Communist totalitarian dictatorship throughout the world, through the medium of a world-wide Communist organization."

That was 1950. In July 1971, when the comatose Senate internal security subcommittee heard that President Nixon had been invited to visit Communist China, it jerked awake with a kind of galvanic shock; it took the fastest action of the year; within two weeks it authorized printing a report entitled, "The Human Cost of Communism in China."

The SACB taught one big lesson, I think, how not to catch subversives. But its history also constantly reminds one of how close a great nation walks to hysteria, just as a normal man, I suppose, walks close to insanity. If a dictator comes to America he will surely come in the guise of an anti-dictator. I trust it will never happen. But it will come, if ever, after some great national disaster; some defeat in battle or unbearable humiliation, when the Congress is supine, the Supreme Court packed and the public scared.

The Supreme Court kept getting in the way of the SACB. It let it register the Communist Party as a Communist organization which, when you think of it, was reasonable. But it never allowed it to make blacklists of fronts or individuals. And there was one great crashing fault in the law itself—its base was too narrow; it specifically limited the organizations to be investigated to Moscow. It believed in a simplistic monolithic Communist conspiracy so narrow that even Trotskyites weren't covered, let alone fascists, Ku Kluxers and all the modern disrupters.

Congress wouldn't abolish the SACB, but it wouldn't broaden it either, and that produced one of the most extraordinary efforts at a presidential end-run in history. By a quiet executive order July 2, 1971, Mr. Nixon sought to broaden the power of the SACB all by himself with a new formula—"totalitarian, fascist, Communist, subversive," or those "unlawfully advocating the commission of acts of force or violence" for certain purposes. He did not consult Congress. Attorney General Mitchell said he had the power to act by himself; it was the "inherent power" of the President, like the right to order wires tapped which he also asserted till the high court slapped him down.

Archconservative Senator McClellan (D, Ark.) said, "I do not see how the President, by executive order, can give to a board created for one purpose by the Congress a function which the Congress did not authorize."

But the greatest surprise was to come. Rising on the Senate floor, Senator Ervin of North Carolina, a constitutional authority and former judge, previously chiefly associated with anti-civil rights sentiments, angrily protested, and with white eyebrows pumping and judicial jowls jigging, he made one of the most eloquent one-hour denunciations that the upper chamber has ever heard: "I hate the thoughts of the Black Panthers. I hate the thoughts of the Weathermen faction. I hate the thoughts of Fascists. I hate the thoughts of totalitarians. I hate the thoughts of people who adopt violence as a policy. But those people have the same right to freedom of speech that I have. While I hate their ideas, I love the Constitution so much that I am willing to stand on the floor of the Senate and fight for their right to think the thoughts, and to speak the words that I hate."

Corny old stuff, of course, pretty threadbare by now. But somebody has to stand up and say it every 20 years or so, and it still has a kind of spine-tingling quality, doesn't it? Again the courts blocked the Nixon proposals; funny that Mr. Nixon has tried it now three times: first the inherent right to wiretap; then the inherent right to alter SACB and currently the inherent right to impound . . . SACB's fate was sealed in the new budget. In the place where next year's expenditures should have been listed there is a series of little dashes—its obituary, 22 years after Truman's veto.

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Breaching the Chinese Wall

After 23 years of aloof confrontation, the People's Republic of China and the United States will at last establish diplomatic offices in their respective capitals. Dramatic as was President Nixon's trip to Peking a year ago, Henry Kissinger's recent visit was equally important. Against all previous protestations by Peking to the contrary, Kissinger succeeded in moving the Sino-American dialogue from ambassadorial talks and personal conversations in Warsaw and elsewhere to permanently available, confidential, diplomatic contacts *without* breaking US relations with Taiwan. Whatever is intended by the term "liaison office," the effect is equivalent to that of a full-fledged embassy and represents a virtual "two-China" situation in Washington. It is a diplomatic triumph of the highest order. Despite the brilliance and sincerity of both men, so long as negotiations depended upon the availability of Chou En-lai and Henry Kissinger, détente was precarious. Personal diplomacy will continue, happily so, given the skills and sensitivity of these two able men. However only permanent offices in both capitals, professionally staffed, can cement the "normalization of relations" promised in the joint Shanghai communiqué of a year ago.

What prompted Peking to make the decision it did while Taipei remains the only officially recognized representative of "China" in Washington? Perhaps it was the only way Mao and Chou could preempt a possible reversal of policy by an aspirant successor after they leave the scene. Both know that incapacitation or death can come at any time. Whatever they may believe about Lin Piao's alleged assassination plot and attempted flight to the Soviet Union, their emphasis on "hidden traitors" shows an awareness that until the Sino-American détente is institutionalized in some bureaucratic manner, it could die by design or accident.

Beyond this minimal assurance that concrete steps will inhibit such a reversal of policy in China is the need of Mao and Chou to stabilize the détente by building a coalition of interests within the People's Republic that can effectively contest any rival coalition's hope of restoring earlier Chinese reliance on Russian economic and military assistance. In this connection, the political significance of the $150 million sale of Boeing aircraft to China transcends the dollar value, large as that looms in the overall trade figures. The Boeing deal

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tells audiences in Peking as well as Moscow that Russian planes—also available—are an insufficient bait to dangle in the debate over how to handle the Soviet relationship. The Chinese have assessed the costs and opportunities in an alternative American line and made their choice.

Among the initial Chinese groups to be visiting the US are three of particular importance to China's growth and development: water conservation experts, insect-hormone specialists and high-energy physicists. Academics may bemoan the temporary absence of their Chinese counterparts, but in the higher circles of Peking, university professors carry little weight unless their research is essential to agricultural and technological fields. To the degree that such interests are involved in the exchanges, Sino-American détente gains in durability.

No less interesting is the unprecedented attention given by the Chinese to Mao's two-hour conversation with Kissinger. The Chairman rarely publicizes himself these days, especially in company with someone who is not even a chief of state, and who is, moreover, so recent a fighter against the "Indochina people's struggle." The prominence of Chinese publicity, pointedly describing the talks as "unconstrained"—presumably by the absence of diplomatic or ideological trappings—imputes an internal political significance to this new stage of relations between the two countries which cannot be exaggerated at this late point in Mao's life.

In addition, of course, the external significance is multiple. In his press conference Kissinger took note of the Shanghai communiqué wherein both sides agreed that "each of them opposed the attempt of anyone else to achieve" dominance in the Pacific area. With the disappearance of "Japanese militarism" as a theme in Chinese propaganda, this can only refer to the USSR and will be so seen in Moscow. Nor is this surprising. For while the "balance of power" concept, to which Kissinger is strongly attracted, is only a century or so old, "using barbarian against barbarian" rings through 2000 years of Chinese practice.

For Taiwan the bell doth not toll yet. Here Kissinger chooses his words carefully: "There exists no immediate plan for any [US] withdrawals but there will be a periodic review." Last year President Nixon pledged to "progressively reduce forces and military installations on Taiwan as the tension in the area diminishes." Presumably this relates to Indochina where technical cease-fires in Vietnam and Laos are under way and some agreement is hoped for soon on Cambodia. Peking's participation in these settlements, formalized in last week's Paris conference, puts the next move up to Washington. At this point there is every reason for the White House to expedite the withdrawal of what remains of our military presence on Taiwan—largely intelligence-gathering—which serves no purpose except to inhibit negotiations between Taipei and Peking.

Despite assurances of "no secret agreements," it is impossible to believe the busy Kissinger spent four days in Peking to engage in intellectual palaver and sightseeing. We can anticipate a guarded but gradual playing out of "understandings" and the tacit *quid pro quo* not only in Indochina but elsewhere in Asia. According to *The New York Times*, North Korea has privately proposed a formal peace treaty with South Korea to replace the armistice agreement that ended the Korean war over 20 years ago. As a political ploy to pressure the removal of American troops from the South and destabilize the Park Chung Hee dictatorship, this could merely be a transparent tactic. But if Peking and Washington could arrive at mutually satisfactory guarantees, the context of such a treaty between the two Koreas would qualitatively change its significance. A permanent defusing of the Korean peninsula will not come easily, but its attainment is now at least conceivable.

Excessive expectations must be avoided. Politics in Peking remains a virtually invisible game and some of the present players may be gone a year or two hence. Just as US-Soviet cultural exchanges have waxed and waned, so too can we expect negative as well as positive changes in our travel and trade with China. The combatants in Thailand and Laos have multiple lines to Peking, Hanoi, Washington and perhaps Moscow. In addition various groups in these countries have their own interests to pursue and these can complicate relations at higher levels. It will require patience and perseverance on all sides if Sino-American relations are not to become hostage to the hazards of peacemaking and peacekeeping in Indochina.

Nevertheless we can rest easier now that, verbal niceties aside, Washington and Peking *have* "normalized relations." Prompt settlement of the $250 million in claims held by American citizens and groups against China and $78 million in blocked Chinese assets here will show genuineness of will on both sides. With this clearing away of past obstacles, only the Mutual Assistance Treaty with Taiwan and our formal recognition of that regime stand in the way of an ambassadorial exchange. By the time that comes, however, it will surely be anti-climactic compared with what has been accomplished to date.

COMING: A reassessment of Burke's reflections on the French Revolution— by Alexander M. Bickel

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Budgetary Trickery

While a President's budget often provides a general indication of the direction of government, the specific decisions upon which personal and corporate fortunes rise and fall are often obscured. For example on page 296 of the lengthy (1119 pages) and weighty (5 lbs.) *Appendix* to *The Budget of the United States* for fiscal year 1974 one finds the government's allocation of procurement funds for "Shipbuilding and Conversion, Navy." For the line item, "amphibious ships," the 1974 request is zero. The navy *is* buying five LHA amphibious assault ships from trouble-plagued Litton Industries, but no money for that has been requested since 1972, when Litton was appropriated $109.7 million—the "cancellation charge" required by the contract when the navy reduced from nine to five the number of LHAs it wanted. There is nothing in the '74 budget or appendix, then, to indicate Litton will get any additional money for these LHAs.

But wait. Two lines below "amphibious ships" the line item is "auxiliaries and craft." The 1974 entry is $415,680,000. Unlike the more detailed explanations given other items, the notation here is vague and brief: "Various funds are requested in this budget activity for craft, outfitting material, post delivery, cost growth, and escalation." Congressman Les Aspin (D, Wisc.), a member of the Armed Services Committee, discovered that buried in this request was $192 million earmarked for the Litton LHA program. Because this line item is generally used to buy small auxiliary boats, tenders and other small ships, Aspin concluded: "Obviously the navy was hoping to quietly slide the $192 million in bailout funds for Litton through Congress." While the navy admitted the money was indeed going to Litton, it made the dubious claim that such budgetary camouflage was "standard practice." Then, in a volley aimed at Aspin, the navy said, "The funds are shown where congressmen familiar with the defense budget would expect to find them shown." The navy's behind-the-scenes reaction, however, belied its business-as-usual press release. A service official told a member of Aspin's staff that the navy would no longer answer telephone inquiries from Aspin's office, a courtesy normally extended members of Congress.

Another example of "craft" in the budget is the administration's claim that the Pentagon will be saving $2.7 billion in 1974 and an identical amount in 1975. This good news appears on page 54 of the budget under the heading: "Outlay Savings from Program Reductions and Terminations, 1973-75." Elsewhere in the book, however, the overall Pentagon budget shows an increase from $76.4 billion this year to $81.1 billion in 1974. The 1975 estimate is $85.5 billion. Where are the savings?

The administration claims a $700 million savings in 1974 and a $1.5 billion savings in 1975 because deployment of the Safeguard anti-ballistic missile system has been limited to one site in North Dakota. While these are bona fide savings, candor requires they be credited to the Senate Armed Services Committee which last year refused to authorize any funds for the ABM around Washington the administration requested and fought hard to get. When the Pentagon failed to produce sound plans for the Washington site—cost estimates, for instance, ranged from $2.1 to $4.1 billion—the committee "deferred" the request and in effect killed it.

The Pentagon's greatest "savings" is attributed to a $1.2 billion reduction in "military and civilian personnel and other operations costs." The budget, however, shows that "manpower" costs are going from $41.8 billion this year to $43.9 billion in 1974 while "operating costs (other than payroll)" are rising from $11.2 billion to $11.5 billion: an increase of $2.4 billion rather than a decrease of $1.2 billion.

No official explanation is offered for this miracle of loaves and fishes, but Senator William Proxmire (D, Wisc.) has developed a plausible one. The Pentagon, as well as other government agencies, generally submits a higher budget request than it believes the Office of Management and Budget will allow. Acting for the President, OMB cuts most agency requests a few percent before sending the final budget to Congress. When OMB Director Roy Ash recently appeared before the Joint Economic Committee, Proxmire asked him: "Haven't you just trimmed the military wish list and called it a budget cut, and isn't this entirely different from the kind of slashes that have been ordered in housing, health, manpower and community action programs?"

Ash disagreed and cited the navy's S-3 aircraft program as an example of the "savings" in the defense budget. But Proxmire pointed out that the navy had bought 13 S-3s in 1972, 35 in 1973 and was asking for 45 aircraft (at more than a half billion dollars) in 1974. "You call that a reduction?" Proxmire asked. In fact, a General Accounting Office study showed the S-3 running a considerable cost overrun (original program estimate: $1.76 billion; present estimate: $3.15 billion). In this instance, then, the administration is claiming a savings on a cost overrun.

State Gravy

The fiscal crisis of state governments, a staple of revenue-sharing rhetoric last summer, has suddenly vanished. Governors in 39 states have pledged no increase in taxes, only eight state governors say they may have to raise taxes, and one-third of the states expect a hefty surplus. As Representative John Anderson (R, Ill.) pointed out in December, "Now we find

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the federal budget facing an inflationary $10 to $15 billion full-employment deficit while the state and local sector is accumulating a $15 billion surplus this fiscal year. If the trend continues, it could reach $24 billion in 1975." It is hard to prove that the size of the surplus has much to do with the fiscal or political bias of the governors. A big-state conservative like Ronald Reagan reports a huge surplus of $850 million, but many liberal governors like Dale Bumpers of Arkansas anticipate surpluses of over $100 million. Governor Patrick Lucey of Wisconsin, a Democrat, expects to have a half-billion dollars left over, despite federal program cutbacks in his state. Wisconsin, like a few others, hopes to use the surplus as a substitute tax reform, redistributing the excess as property tax relief. In many states this will take the form of a property tax credit against an individual's state income-tax liability.

For the states the fiscal crunch at the end of the '60s was more of a cyclical than a permanent problem. Their governments took on tremendous new responsibilities in the public schools; education budgets rose accordingly. Public employees began to unionize and demand pay comparable to that of some professional groups in the private sector. There was an "explosion" in state welfare costs as more of the poor learned they were eligible for a whole range of benefits. That explosion appears to have simmered down, partly as a result of recent social security increases.

If there is a fiscal imbalance between the states and Washington, one reason is that the states were forced to meet added costs on their own. Nine-tenths of them had to raise taxes in 1968-69, three-fourths in 1970-71, and another third made big increases in 1972. In the same period, the federal government subtracted about $20 billion from the corporate and personal income and added $25 billion to the payroll tax. At all levels of government there has been a regression of late to the property, sales and payroll taxes.

General revenue-sharing is pretty small potatoes in most states, amounting to two to three percent of the budget. The governors, who were supposed to get all the revenue-sharing money when Walter Heller first proposed the idea, ended up with only a third of it. For most of them the normal growth of tax revenues brings in more than the new revenue they're sharing.

Siege of Troy

Last fall the Boston Bar Association accused Judge Jerome P. Troy of "gross judicial misbehavior" and "conduct prejudicial to the administration of justice." Ten thousand residents of Dorchester, a declining working-class neighborhood in Boston, signed a petition demanding Troy's removal. But Troy is law-and-order in Dorchester, and in Massachusetts as in most states such municipal court judges, whatever their failures as lawyers or human beings, are almost untouchable. The state's supreme judicial court cannot remove Troy from the bench, though it has the power to disbar him as a lawyer.

Legally trained observers of Troy's court have testified that charges against defendants were read in a rapid and incomprehensible manner, the words merging into a harsh jumble so that defendants, many of them unaware of their rights, could not make out what was being said, did not know the right of appeal means a right to a jury trial. It is easy to confuse people who've spent a night in the cooler into waiving rights, including the right to counsel.

The Boston Bar Association found Troy guilty of 25 violations of the Bail Reform Act. In nonsupport cases and illegitimacy cases, for example, the municipal court often sets bail at $10,000 or more. Many defendants brought before Troy, sometimes just material witnesses, were kept wrongfully imprisoned by excessive bail. Most were unrepresented in bond hearings, few understood how bail works, how one can participate in setting the amount or can appeal the bail that is set. The Boston Legal Assistance Project (BLAP) has other allegations against Troy. He is said to coerce unwilling AFDC mothers under threat of three-month stretches in jail into signing nonsupport complaints. Defendants in default of support are held without bail, even in cases where they voluntarily come into court to explain themselves.

Few states have adequate procedures for screening judges, either before or after they go on the bench, and in many instances are pensioned off to municipal courts. Fortunately in Massachusetts, a new state law requires all judges to retire at 70 and that has opened up 38 vacancies. With an eye on the Troy case, Governor Francis Sargent has set up a 12-member *ad hoc* commission of lawyers and nonlawyers to come up with a credible list of nominees.

In The Public Interest

I Think I Can't . . .

As has been their practice for over 20 years, the domestic automobile companies once again are mounting an intense propaganda campaign to advertise their "inability" to meet air pollution control standards. This time General Motors, Ford and Chrysler executives have been singing the same tune about the impossibility of meeting the federal government's 1975 automobile emission standards. Congress gave the industry this deadline in a 1970 law.

What the giant auto corporations say they cannot accomplish in 1975, two small Japanese auto compa-

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nies have already accomplished. According to official US Environmental Protection Agency (EPA) test results, Honda and Toyo Kogyo have *easily* met the 1975 standards for 50,000 miles with their respective vehicles, the Honda and the Mazda. In these durability tests the Japanese vehicles performed well under the levels of emissions permitted for carbon monoxide, hydrocarbons and oxides of nitrogen.

In addition the National Academy of Sciences, in a mid-February report prepared for Congress under the Clean Air Act, concluded that the auto industry would be able to meet the 1975 standards with four types of systems. These are a 1) modified conventional engine equipped with an oxidation catalyst, 2) carbureted stratified charge engine (Honda), 3) Wankel engine equipped with a thermal reactor (Mazda), and 4) the diesel engine (Mercedes-Benz). Contrary to the domestic industry's whining, the NAS found that the domestic manufacturers could meet the 1975 standards with modified conventional engines equipped with an oxidation catalyst.

By this time the domestic auto companies could have had numerous other engine choices which would have worked better and cheaper. Since the late '30s they knew that their cars were connected with the periodic smog which would occur in Los Angeles. In the early '50s independent scientists proved that auto exhausts contributed to photochemical smog. During the '50s and early '60s California pollution control authorities demanded that the auto manufacturers control their vehicle emissions.

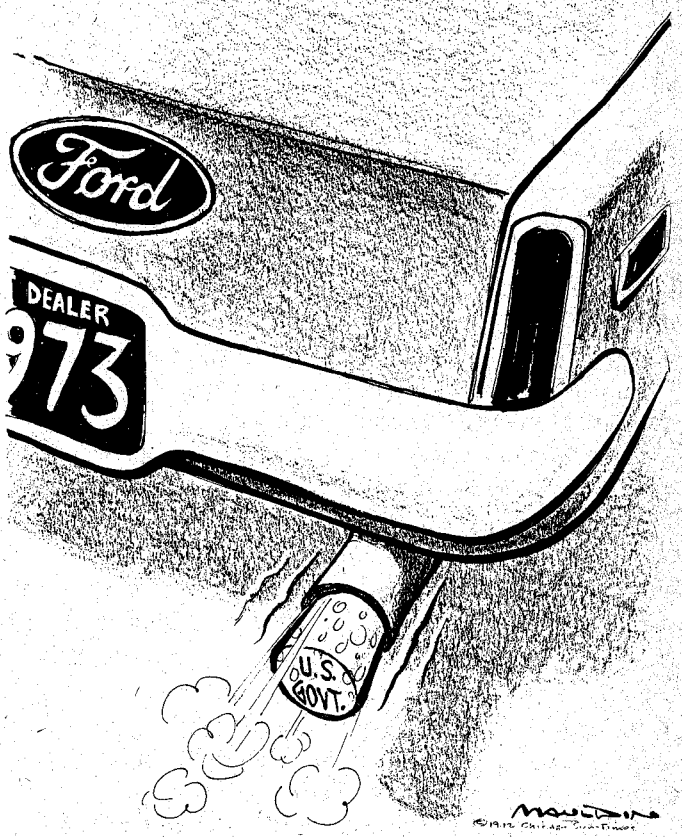
A California law over a decade ago required that new cars sold in that state be equipped with exhaust controls two years after the state certified the effectiveness of at least two workable control devices. The auto companies said that such modest controls could not be adopted until the 1967 model year. But when California certified the control devices of two nonautomotive companies, GM, Ford and Chrysler suddenly announced that they could indeed install such devices in 1966 vehicles. Their switch was clearly prompted by the risk of having to use the devices of the nonindustry certified companies.

In 1969 the real reason for the auto industry's uniform unwillingness to clean up their engines came to light when the Justice Department filed an antitrust suit against the domestic manufacturers and their trade association, the Automobile Manufacturers Association, for conspiring to restrain the development and marketing of auto exhaust control systems since early 1953. The evidence brought together prior to this suit by a Los Angeles grand jury outlined the cross-licensing agreement and other close associations between these so-called auto competitors that forged this illegal, united front of inaction. In September 1969 the domestic auto companies entered into a consent agreement with the government agreeing never to engage in such a conspiracy again.

Continuously obstinate to all government pleas, however, GM and other domestic auto companies persist in installing a less effective but a more expensive exhaust control system—the catalyst-equipped vehicle which will carry a gouging sticker price increase of $230 above the 1970 vehicle price or about $160 above current vehicle prices according to the NAS study. In comparison the Mazda would add less than $100 to the cost of the 1970 vehicle for emission control. Since the Honda requires no specific emission hardware, the incremental cost could well be zero. Where were the domestic companies when the basic concept of the stratified charge engine was first suggested in the early 1920s or when numerous other low polluting engine designs were waiting to be refined decades ago? To drive its point home Honda converted a 140 cid engine Vega to stratified charge and easily met the 1975 standards at low mileage.

Instead the US companies continue to stick to the overheavy, grossly inefficient, repair-prone internal combustion engine which tosses the costs of upkeep and low fuel mileage (aided mightily by needlessly larger cars and heavier accessories) on the motorists. What these corporate mastodons need, in addition to stronger standards, is more competition from smaller companies and strong antitrust enforcement.

Ralph Nader



Uptight

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Russia in the 20 Years Since Stalin's Death

In February 1953, a terribly cold month in central Russia, the political temperature too stood at 35 below. Very many Soviet citizens, especially Jews, were frozen with fear. An official announcement in January had accused high-placed Soviet doctors of conspiring with international Jewish circles to shorten the lives of Soviet leaders by medical means. Rumors circulated in Moscow that barracks were being built in east Siberia to house Jews who would be deported there *en masse* after the doctors' trial. On February 14 *Pravda* marked the third anniversary of the Soviet-Chinese alliance by featuring with emphasis a pledge by Mao Tse-tung to continue the Korean war for as many years as necessary to enforce a settlement on terms known to be unacceptable to the US. Cold war in perpetuity was the chilling message.

The relatively few foreigners then living in Moscow had no sense of impending Russian change, nor any inkling that this was the last month of the Stalin era. On February 17 Stalin received the Indian ambassador for a talk. A few days later an aide who had accompanied the ambassador told me that Stalin had appeared to be in vigorous health and, judging by the pile of working papers on his desk, was personally in full command of the regime's affairs. Two weeks later came the news of his fatal stroke.

Almost before the official days of mourning were over, signs appeared that change was on Russia's agenda. The tension, both internal and international, began to ease. The impending new wave of terror never struck. In April, as though to underline that the coming period would be not only post- but *un*-Stalinist, Beria's Ministry of Internal Affairs quashed the doctors' case with a public statement declaring it to have been a sham and denouncing the "inadmissible methods" (*i.e.*, torture) by which confessions of guilt had been obtained from the unfortunate victims of this macabre affair. Inevitably the spring of 1953 went down in Soviet history as the "thaw."

A confluence of national need and political incentive made this a time of change in Russia. Stalin, after 1945, had reimposed austerity, regimentation and police terror upon a nation that expected a freer, easier and peaceful life after victory in World War II. As a result he left behind on his death a society in deep crisis. In the absence of a clearly marked successor, the best way for a leader to consolidate his ascendancy in the regime was to espouse the reforms of which the country was in acute need, as Malenkov did in 1953 and Khrushchev in 1955 and after.

In Khrushchev the reform impulse found a forceful though erratic friend in power, one in whom the dictates of expediency seemed to coincide with those of deep-felt belief. His buoyant faith in the underlying soundness of the Soviet order made him, however, overconfident about what could be achieved in a fairly short time in the way of higher living standards and revitalization of the political system. To legitimize his politics of reform and overcome intraparty resistances, which were strong, he raised the banner of anti-Stalinism at the 20th Party Congress in 1956, indicting Stalin for his purges of the '30s and later tyranny in a great speech that did not remain secret for long. In the longer perspective of history, Khrushchev's chief service may come to be seen in the fact that he *began* the painful process of facing up to the enormous harm that Stalin's terroristic rule after 1934 inflicted upon Soviet society and the Communist Party.

But in such sensitive matters affecting a nation's view of its past and hence of itself, a beginning can be upsetting in the short run. Khrushchev was indicting Stalin before a party elite whose ruling elements were Stalinism's agents and beneficiaries, having risen to leading posts during or soon after the purges of the '30s. One effect was to raise troublesome questions, especially among student youth, and to hasten the emergence of that critically thinking group known as the "democratic movement."

Khrushchev, who admonished and berated the intellectuals at some times, reached out to them at others, for example by intervening to permit publication of Alexander Solzhenitsyn's memoir of concentration camp life under Stalin, *One Day in the Life of Ivan Denisovich*. But the democratic movement developed largely on its own, expressing itself in privately circulated uncensored writings, the literature of *samizdat*. To its imperishable credit, Russia is now known not alone by the voices of *Pravda* and *Izvestia*, but also by the unofficial, free and diverse voices of Solzhenitsyn, Andrei Sakharov, General Grigorenko, Nadozhda Mandelshtam and Lydia Chukovskaya, Roy and Zhores Medvedev, Vladimir Bukovsky and Pyotr Yakir, and very many others.

If a reform impulse dominated Soviet life through much of the first post-Stalin decade, conservatism has been the watchword of the second. The shift came about not because reform had run its course but because the dominant group of leaders was upset by the problems it created and afraid of where the process of change might lead. Since Khrushchev's fall in 1964, conservative tendencies have prospered. Stalin, and especially his wartime leadership, are restored to respectability in the history books. When Czechoslovakia took the reform path under Dubcek in 1968, a nervous Soviet ruling group, frightened by the spectre of a spread of socialist democracy in Eastern Europe and into Russia itself, intervened with armed force to restore bureaucratic order. At home, leaders and lesser figures of the democratic movement have suffered treatment ranging from simple harassment to forced emigration, confinement in psychiatric hospitals and

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ordinary imprisonment or exile.

In some ways today's Russia is a considerably improved country compared to Stalin's. There is no dictator, and one possible benefit of having former Stalin men in power is that their own painful memories of life under the tyrant militate against a revival of one-man rule in their time and associated phenomena. The people, although far from well off in the vast majority, are not living in such crying want and misery as they were 20 years ago, nor in similar conditions of fear and total isolation from the outside world. Numbers of Jewish citizens who wish to emigrate have been allowed to do so, although a prohibitive head tax may now make such permission meaningless in very many cases. Within the frame of its fundamental conservatism, the government, especially since early 1971, has been trying to do somewhat more for the consumer and pursuing a prudent foreign policy.

But significant as these changes are, underlying problems remain unsolved and contemporary Russia is a society in trouble. Events of two decades have made it plain that the legacy of Stalinism lies very heavy upon the USSR. The regime's bureaucratic ethos, authoritarianism and Russian nationalist outlook are only a part of this legacy. In its own time, Stalinist purge and terror meant among other things the supression of talent, the destruction of those with ideas and the courage to express them, the crushing of communism as idealistic belief; and by the same token it meant the survival of the mediocre, and mendacity as a way of life. The present censorship of those aspects of the past reflects an inability to overcome them. And the regime pays its greatest tribute to the legacy by its persecution of genuine communist idealists like General Grigorenko and those few, like Solzhenitsyn, who by some miracle managed to survive both physically and spiritually and came back to testify what Stalinism meant.

How to overcome the Stalinist legacy is the basic problem, and it seems that only a younger generation of Soviet Russians can resolve it. The Brezhnev-Kosygin era is essentially a hiatus between an early post-Stalin reform movement that bogged down and a future time of change whose direction we cannot yet foresee with any clarity. What we can see, however, is the question that will have to be answered.

Twenty years after Stalin, the great question for Soviet Russia is whether it will recover any meaningful relation to the democratic ideals of the revolution from which it sprang, and if not, how much longer its regime can maintain the pretense that such a relation exists.

Robert C. Tucker

Professor Tucker, *who teaches politics at Princeton University, was a member of the US Embassy in Moscow at the time Stalin died. His biography of* Stalin as Revolutionary *will be published later this year.*

The Nixon Watch

Two Loners

A new book is out with a fascinating account, the best that I've seen, of the way in which Richard Nixon and Henry Kissinger have worked together to alter the shape and course of United States foreign policy and, as the President justly said in China last year, to "change the world." The book is *The Retreat of American Power* (Doubleday; $8.95). Its author is Henry Brandon, an associate editor and for 23 years the chief Washington correspondent of the London *Sunday Times.* Its thesis is that the President and Kissinger between them have devised and the President has successfully and prudently conducted "an orderly retreat from obsolete global commitments to safer and more solid positions . . . without serious adverse consequences on world security."

In order to sustain the thesis, Brandon has to take the so-called Nixon Doctrine at face value and with total seriousness. He must and does excuse the ambiguities and contradictions in which Mr. Nixon has expressed his doctrine ever since he first enunciated it on the island of Guam in 1969, in a rambling and confusing dissertation to reporters that to this day has not been put on the public record, on the ground that the obfuscation has been necessary in order "to lead the retreat of American power in a responsible way, fast enough to maintain support at home and slow enough not to lose confidence abroad or to tempt the enemy into wrong assumptions." Brandon also must and does accept at face value the President's familiar claim that he has had to frame and apply his policy of readjustment abroad in such a way as to withstand and beat back a "wave of new isolationism" at home. "What we had to do first," Mr. Nixon told Brandon and a visiting London editor in February 1970, "was to make it plain to the American people that in fact we cannot opt out of the world, and second, to seek their support in continuing a policy even though it is a policy of revised involvement." I doubt that the President has ever really believed that he had to convince significant numbers of Americans that "we cannot opt out of the world," and a less considerate writer than the sensitive and gracious Henry Brandon might call Mr. Nixon's "policy of revised involvement" a policy of continuing commitment on the cheap. These are minor carpings. With them vented, I turn from the major proposition of an admirable book to its perceptive account and analysis of the relationship between the President and Henry Kissinger.

Brandon knew and admired Kissinger and knew and did not admire Richard Nixon long before the President won his second nomination at Miami Beach in 1968. In a telephone conversation after that occurrence, Brandon recalls, "Kissinger not only confirmed

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all my fears and misgivings, but reinforced them in no uncertain terms. He shared my mistrust of the man and his character." Kissinger, who had been Governor Nelson Rockefeller's foreign affairs adviser since the 1950s and had assisted his efforts to do Nixon out of the Republican nominations in 1960 and 1968, told Brandon that he "profoundly distrusted" Nixon and "served Rockefeller to keep Nixon out." Kissinger said he thought and feared that Nixon lacked principle, lacked the inner security and confidence a leader needs, and was "frozen" in a "cold-war outlook" that could induce him to take "undue risks" in a time of "waning military preeminence." Much later, Kissinger told Brandon that "he remained distrustful until he actually began to work for the President." Brandon's detailed account of how Nixon and Kissinger got together after the election, partly at the urging of and upon the recommendation of others, comes to this: it took Professor Henry Kissinger of Harvard—"a poor German refugee" and "a German-born Jew"—two meetings and five days to overcome his distrust sufficiently to agree to be Nixon's assistant for national security affairs and enter upon a relationship that "grew into something unprecedented in American history." Kissinger became "the President's de facto Secretary of State" and "his loyal, most personal, most dedicated servant rather than, as one cynical comment put it, his Rasputin."

How did this come about? One of Brandon's several answers is that Nixon knew in 1968, from Kissinger's writings, that he and Kissinger "held a shared view about how the United States should deal with the Russians and Chinese—not as ideological powers, but on the basis of a mutual interest with which no middle power should be allowed to interfere." Other shared views and characteristics—dislike of the State Department, a disdain for bureaucracy, and "a conspiratorial mind, a penchant for secret diplomacy and the *coup de théâtre*"—drew them to each other. Brandon gets closest to the inward answers, answers that Kissinger has said nobody except himself and the President will ever really get at, in two analytic passages.

"Kissinger," Brandon writes, "has the rare gift of being a conceptual thinker, a quality which separates the intellectual from the politician and which made Kissinger a particularly valuable aide, for he was able to give the President's policy instincts intellectual content. The President is not a profound thinker, but he can ask profound questions, and Kissinger's ability to give him the answers, to explain to the President where he might find himself half a dozen moves from where he stood, gave Mr. Nixon the kind of intellectual sense of security he needed."

Brandon observes that "their relationship grew in intimacy and yet retained a formality which neither ever dropped." Then he writes: "They are also both loners, and in a theatrical sense, tragic figures who have achieved more than they ever expected, and yet lack the contentment and happiness it ought to bring. Neither can come close to anyone for fear of being unable to meet the demands of friendship or intimacy. They hold enormous power in their hands, but they remain in isolation. Both suffer from insecurities and feel the need of reassurance, but both have gained confidence from the use of power. Kissinger has been accused of displaying an arrogance of power, but if anything his fault is an arrogance of intellect which makes him believe that he can control and manage reality. This also leads him, if the facts do not vindicate his theories, to believe that the facts are wrong. His insecurities also develop from a sense of being disliked, of being surrounded by enemies, or of losing support among those he cares about, and from attacks in newspapers which tend to upset him as much as they do other public personalities. His most obvious insecurities, however, are his total dependence on getting his ideas accepted and his need for protection from his adversaries, of which he has as many as most eminence grises did in history."

Brandon suggests that Kissinger's steadfast loyalty during the Cambodia "incursion" in 1970 sealed his and Nixon's friendship. Although he deplored the President's bellicose announcement of the action, Kissinger "stood like a rock" with Nixon against the protests that erupted nationally and within the White House. Secretaries Rogers and Laird "enraged the President" by intimating their doubts to the press and thereafter "he had reservations about both of them."

Brandon had to close out his book for the printers before ups and downs in the final Vietnam negotiations and some White House leaks fostered an impression of differences between the President and Kissinger and of sharper differences between Kissinger and certain other assistants, notably (though Brandon doesn't name them) John D. Ehrlichman and H. R. Haldeman. Brandon, however, sensed the makings of friction before most other outsiders did. He writes that Kissinger "was careful to ensure that the President would harvest the ultimate credit for all foreign policy achievements, but the spectacular visibility and fulsome credit he was given by the media after a time began to grate on the President. Some men of the President's inner circle resented the massive publicity even more than Mr. Nixon." Former Commerce Secretary Peter G. Peterson is quoted: "Henry's relation with the White House staff is as intimate as was that between Caesar and Brutus." In a remark that foreshadowed his famous and misguided burst of vainglory in an interview last November with Italian journalist Oriana Fallaci, Kissinger once said to Brandon: "Often I don't know whether I am the actor or the director." He takes care nowadays to behave and talk as if he knows that Richard Nixon is the director.

Although Brandon doesn't try to guess at how long

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Kissinger will remain at the Nixon White House, he knows from continuing acquaintance that the question of whether and when to leave is never far from Kissinger's thoughts. "Publishers have offered him contracts in six figures," Brandon writes, "and yet he is worried about the future, less for its financial aspects than what that kind of job he should seek and what that loss of power may do to him psychologically."

John Osborne

The Fragile Accord

Defusing Laos

Vientiane

The agreement on Laos signed in this sleepy little capital is largely a reassertion of the accord reached in Geneva nearly 11 years ago. It again proclaims the neutrality of Laos and, among other things, it once more calls for the withdrawal of all foreign forces from the country. It also establishes the framework for a renovated coalition government to be wrapped around Prince Souvanna Phouma, the only political figure acceptable to the assorted Laotian factions and, more important, to the major powers. So it is, in essence, an attempt to resurrect an arrangement that collapsed. The big question is whether the new accommodation will work any better than the previous settlement.

The fragility of the Laotian settlement was already apparent two days after the accord was signed, when American aircraft resumed bombings in reaction to North Vietnamese and Pathet Lao drives to grab territory. The bombings were accompanied by a warning that the United States would not hesitate to continue its air raids in response to further Communist moves. That the United States renewed bombings here but did not similarly react to violations of the cease-fire in Vietnam underlines the degree to which Laos is considered an adjunct to the main conflict. It is, in short, a victim of its location.

Though its rugged terrain and geographical remoteness are hardly conducive to military operations, Laos has been a battlefield rather than a buffer for at least a generation. It was used by the Vietminh to divert the French, and during the second Indochina war, its southern panhandle served Hanoi as the infiltration route into South Vietnam and Cambodia. The Eisenhower administration originally tried to transform Laos into an anti-Communist bastion to protect Thailand and, within the past decade, the country has been the scene of a covert ground war compounded by devastating American air actions that have turned a quarter of its three million people into refugees. Other alien elements have functioned in Laos as well. Thai battalions financed by the United States have been secretly fighting inside the country for years, and the South Vietnamese army has often darted across the border, usually with disastrous consequences. The Communist Chinese have carved out a zone in northwestern Laos, while the Chinese nationalists have been active in the area adjoining Burma.

These outsiders are still here, and all have reason to remain. The Thais, who maintain about 15,000 troops inside the country, believe that Laos is vital to their security, and besides, they have traditionally considered certain sectors to be their territory. The estimated 300 Chinese nationalists straddling the Burmese frontier are supposedly gathering intelligence for Taiwan when they are not transporting opium. The Communist Chinese, who number about 30,000, are completing an elaborate road network evidently designed to strengthen Peking's presence against the possibility of North Vietnamese and perhaps eventual Soviet influence in the region. But most significant are the US and North Vietnamese attitudes toward Laos, which basically hinge on the future of South Vietnam.

American officials here say that the United States will fully conform to the Laos agreement by refraining from further air activities and by removing its police and paramilitary specialists, among them the numerous Central Intelligence Agency operatives who direct some 25,000 Meo, Yao and other tribal mercenaries. According to these officials, the Thai "volunteers" will also be withdrawn if necessary by threatening to cut off their funds. "We didn't press for a settlement in order to violate it," one US official assured me the other day. And a North Vietnamese source echoed the same theme. Speaking with rare candor, the Hanoi representative admitted the North Vietnamese troops are in Laos but explained that they will leave now that the Paris agreement permits the resupply of the Communist forces in South Vietnam directly across the 17th parallel and by sea. "The Ho Chi Minh Trail is no longer important," he said.

But these expressions of optimism become somewhat fuzzy when challenged by the plausible hypothesis that the struggle between the Saigon regime and the Vietcong will not easily be resolved, and that Laos may again be involved should the fragile cease-fire in South Vietnam break down. Both the North Vietnamese and the United States are aware of this prospect, and are therefore hedging. A Hanoi diplomat here pointed out that North Vietham's pledge to pull out of Laos is, in reality, contingent on US respect for the Laotian agreement. And Spiro Agnew voiced similar reservations when he passed through Vientiane recently: the United States would honor the settlement in Laos, he said. But, he added rather ominously, "we intend to insist that all other parties concerned approach their obligations in the same manner."

This kind of language suggests that, despite the rhetoric of their spokesmen, neither North Vietnam

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nor the United States is about to walk away completely from Laos within the 90 days prescribed for their departure. The estimated 70,000 North Vietnamese troops scattered around the country are performing a variety of jobs that cannot be dropped rapidly. They manage the logistical apparatus that fuels the North Vietnamese and Vietcong units in South Vietnam and Cambodia, and they serve as cadres and artillerymen for the Pathet Lao, whose soldiers are no more energetic than other Laotians. For them to quit, at least at this stage, would not only undermine the Communist forces in South Vietnam but would vastly weaken the military leverage required by the Pathet Lao as it strives to consolidate its position in Souvanna Phouma's coalition government. By the same token Souvanna Phouma's status is largely dependent on the support given him by the United States through the network it has built up here.

I was able to observe part of the extensive US network in Laos during a three-day trip across the northern tier of the country. It comes straight out of a CIA textbook on counterinsurgency, and although its effectiveness may be dubious, it combines American organizational genius with an old-fashioned American spirit of adventure. Known as "case officers," the CIA agents managing the tribal mercenaries are mostly former special forces types who work out of different bases bearing such code names as AB-1, the annex or 118-alpha. The most celebrated CIA client in Laos is General Vang Pao, the Meo commander, but there are others like Colonel Kamphay, the head of the Lao Theung, and Chao La, the Yao chief. The CIA machine functions independently from the US Army attaché's office, which is called ARMA, and whose representatives advise regular Laotian troops. The supply and financial side of these operations is handled by the requirements division, which is manned by Defense Department civilians ostensibly accredited to the economic aid office. Troops, couriers and cargo are shuttled around the country by two charter outfits, Air America and Continental Air Services, whose pilots are retired US Air Force or Navy officers. On one of these shuttles I flew the other day, the passengers included a squad of Thai soldiers in unmarked uniforms being moved from Houei Sai to a battle area near Xianglom. Although their presence here is a violation of Laotian neutrality, nobody tries anymore to deny their existence, which has been costing the United States about $100 million per year.

At the top of this establishment here in Vientiane is the American ambassador, G. McMurtrie Godley, a hearty diplomat whose penchant for military matters has earned him the nickname of "Field Marshal." His military leanings have also earned him promotion to assistant secretary of State for East Asian affairs, a job he will soon assume. It is said that he was President Nixon's personal choice for the post, which has until now been filled by Marshall Green, a wise and experienced diplomat whose restraint was not fully appreciated by the White House.

The Laos establishment is underpinned, meanwhile, by a huge array of installations conveniently situated just across the Mekong River in northern Thailand. These include a CIA station that trains tribal mercenaries, a helicopter detachment run by the army attaché in Vientiane, a Defense Department funding office, and headquarters of Air America and Continental Air Services. The northern Thai town of Udorn is also the sight of "pepper grinder," a 379-acre supply depot at which military equipment for Laos is stored. The advantage of keeping these installations in Thailand is that they technically do not violate the ban against foreign intervention in Laos. Nor are there any indications that they or the airfields deployed against North Vietnam and Laos will be dismantled. As a North Vietnamese diplomat here put it: "They are the sword of Damocles hanging over our head."

With all this the Thai battalions and tribal mercenaries fared poorly during the weeks before the cease-fire agreement was signed. In early February, for example, they failed to hold Nam Yu, a major CIA base in northwestern Laos out of which clandestine teams were sent into China in years past. Not long after that the mercenaries lost Moung Moueng, the last important district town in northwestern Laos. Following the cease-fire and the stand-down of US air support, the mercenaries were also pushed back in the southern Laos panhandle. In the opinion of one American official who has worked with them for years, the mercenaries have grown flabby. "We've corrupted them with money and special favors, and they've gone soft."

There is some speculation here at the moment that Vang Pao and his Meos may eventually break away and form an independent force similar to the Chinese nationalist remnants who have roamed the region for the past two decades. According to this speculation the Meos might be secretly financed by Thailand even if denied US support. Some sources here also submit that the Thais, whose interest in Laos is intense, may also seek to play a role in internal Laotian politics.

If he faces problems from the Pathet Lao members of his government, Souvanna Phouma will also be confronted by the right-wing components in the coalition. The right-wingers consist of two rival clans, one representing the southern landholders headed by Prince Boun Oum and the other representing the Sananikone family, rich merchants whose power base is Vientiane. The Sananikones are supported in Bangkok by Marshal Dawee Chullasapya, the Thai air force commander, and the southerners are backed by Marshal Praphas Charusathien, the deputy prime minister and armed forces chief. The suspicion is that Praphas may try to regain the foothold in Vientiane for Phoumi Nosavan, the former CIA protégé who has been living in exile in Thailand for nearly 10 years. Praphas keeps in

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touch with Phoumi through a special intermediary by the name of General Phaytoon and one guess holds that this group might try to inspire a coup against Souvanna Phouma by right-wing Laotian officers. But this prospect is dismissed as fantasy by many diplomats. They contend that Souvanna Phouma's coalition is guaranteed by the major powers, and it will survive as long as the prince is alive. "And if he dies," adds one of these diplomats, "we will hire a taxidermist and have him stuffed."

In all likelihood Laos is bound to be an international responsibility during the years ahead. It is a complex land, however, that has a way of confounding the best of international intentions. Its future, though, is linked to that of Vietnam, the main arena in the region, and that is where its destiny will be determined.

Stanley Karnow

MR. KARNOW, *former diplomatic correspondent of* The Washington Post, *reports for NBC.*

Strings on US Aid to Thieu

by George McT. Kahin

Before the Vietnam cease-fire, the questions Congress faced in considering a bill for foreign assistance had to do with the appropriateness of funds to maintain President Thieu's political power in the South and how much he needed to wage war. Now the question before the Senate committee on foreign relations, as it debates an aid bill introduced February 8, is the effect further aid to South Vietnam and the conditions under which it is granted, will have on the Paris accords.

The political aim of the Paris agreements is to transfer the struggle for power in South Vietnam from military to nonmilitary competition—an objective that is incompatible with an American aid program that holds to keeping Thieu in political power as its major objective. For so long as Thieu thinks, as he does today, that this is still administration policy, and so long as he knows that he can call upon American air power if a cease-fire does not hold, he cannot be expected to abide by the formula of peaceful competition outlined in the Paris agreements, especially in the provisions of article II: "*Immediately after the cease-fire the two South Vietnamese parties will . . . prohibit all acts of reprisal and discrimination against individuals or organizations that have collaborated with one side or the other; ensure the democratic liberties of the people; personal freedom, freedom of speech, freedom of the press; freedom of political activities, freedom of belief, freedom of movement, freedom of residence, freedom of work, right to property ownership, and right to free enterprise.*"

Thieu views peaceful political competition as a danger because he fears the political attraction that both the neutralists and the NLF can have among the people of South Vietnam. Thieu and his top generals know that their best prospect for staying on top depends upon sustaining a military struggle supported by the United States. Thieu has the capacity to provoke a complete breakdown of the cease-fire, either directly by military action or by blocking the central political thrusts of the settlement. On the basis of the record to date one must expect that he will do his utmost to provoke such a situation. Five of North Vietnam's representatives on the Joint Military Commission returned to Hanoi last week after having been injured in attacks on their compounds in the South, and a Hanoi spokesman, charging that "the cease-fire is not being respected," seemed at first to threaten a halt in the release of American POWs.

It seems to me evident that without the undergirding of a tolerably viable political settlement, no cease-fire between the Vietnamese parties can endure. The United States, having insisted upon a cease-fire unaccompanied by any genuine political settlement, has a particular responsibility to help ensure that the political requirements of the Paris agreement are not ignored. Because the Communists regard implementation of these political requirements as in their interest, it is extremely unlikely that they will do anything to sabotage the agreement if there is a chance the requirements will be respected. But Thieu has already made it

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quite plain that he is not disposed to do so; in fact, he is already in the process of defying and sabotaging some of those of central importance. For him to release political prisoners—thousands who are non-Communist as well as those from the NLF—is to threaten his own political position. Whereas the NLF does not fear working with third-force elements—probably the most numerous group in South Vietnam—Thieu is afraid to have them as political opponents in any context such as that outlined in the January 27 accord. After signing that agreement Thieu not only sent his air force against known PRG areas where no ground fighting is taking place, but in government-controlled areas he has refused to permit opposition elements the political freedoms called for. Communist and non-Communist political prisoners remain locked up. Thieu has ordered the arrest of "pro-Communist or neutralist elements" if they engage in political activities and their assassination on the spot for "incitement of pro-Communist demonstrations." Refugees from Communist-controlled areas are to be restrained "forcibly if necessary" from returning to their homes. Moreover he has put sharp restrictions on members of the American press who try to report on these matters in Saigon-controlled areas or who attempt to learn what is going on in NLF-controlled districts.

We have surely learned that we cannot depend on US officials stationed in Vietnam to tell us what is actually going on there. We must rely heavily upon the American press corps. But when Thieu's officials can with impunity refuse our correspondents, permission to travel and go so far as to threaten them with being shot if they try to talk with NLF and Hanoi truce teams, it is evident that we are running the risk of operating blind. If the conflict cannot be transferred to the level of political competition, then the Communists will probably return to the battlefield—an outcome Thieu, with his expectation of continuing American military support, would welcome. Disabusing Thieu of that assumption is one means by which the United States can induce him to adhere to the political features of the agreement his government has signed. For he is, of course, critically dependent upon the still-lavish military assistance and economic support that the Nixon administration is making available to him, some of which is in the bill now before the Senate committee. A Saigon regime whose military forces are still heavily dependent upon American advisers and technicians and which could not pay the salaries of its army, police or its civil servants without the funds provided and sanctioned by Congress can certainly be influenced by the sanctions which this Congress can apply.

In continuing to supply any or all of the already appropriated $3.2 billion total military and economic assistance scheduled for fiscal 1973, Congress will be intervening in the politics of South Vietnam. But its acquiescence to a continuation of this support with no more conditions than now obtained, would constitute not only a massive endorsement of Thieu and his rule, but also encourage him to continue to violate the political as well as the military features of the peace accord.

If Congress is not equipped to monitor our seasoned bureaucracy so as to ensure that the flow of American aid remains contingent upon Thieu's respecting the political provisions of that agreement, then another course—and a much easier one—is available. Congress can insist that at least the major part of our financial support flow through an international channel—whether a body set up by the international conference on Indochina or agencies of the United Nations. We must not be misled by verbiage—dressing up with the rubric of "postwar reconstruction assistance" the existing pattern of aid calculated to maintain Thieu in power. If it is peace we want in Vietnam and the assurance that our aid benefits a majority of its population rather than Thieu and his entourage, then we should not channel it through AID and a bureaucracy wed to dominantly political objectives.

Moreover Congress can require concrete evidence that the Saigon government is releasing political prisoners, ending restrictions of political rights and on the movement of refugees back to their homes. Certainly it can insist that the press be given freedom to move about and report, for if they are denied this—as is now manifestly the case—Congress will be unable to gauge whether these requirements are being met.

Congress has another means of inducing Thieu to live up to the peace agreement. Legislation such as S578, cosponsored by Senators Church and Case, would have some real prospect of limiting the President's power to reintroduce American forces into battle in Indochina; and of paramount importance, it would disabuse Thieu of his assumption that the US can be counted upon to come to his rescue with our air power if the cease-fire collapses. The advance provision that no American government funds can be used to finance the reinvolvement of United States military forces in hostilities in or over any place "without prior, specific authorization by Congress" would alert Thieu to the futility of falsely alleging or actually provoking a cease-fire breakdown. For under this provision Congress would have the opportunity of evaluating the situation and deciding whether events justified what would in effect be a new war. While this sort of preemptive initiative would not be sensible vis-à-vis a country that can pose a direct threat to the United States, such as a nuclear power, it makes eminent sense in regions which do not have military means to threaten the security of this country—such as Indochina.

Since Congress has power to commit the United States to war against a particular country, it has, of course, an equivalent power to keep the United States out of war against that country, and it clearly follows from this that it can take preemptive action to ensure that this responsibility is indeed exercised.

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There's Plenty Left but It's Still in the Ground

The Heating Oil Shortage

by Eliot Marshall

The big oil companies are spending a lot of money on "the energy crisis," promoting it for all it's worth in ad copy. Mobil, for example, ran a series of editorial-page ads laden with advice on how to cut home heating and gasoline costs: "Today more than ever we want you to save money on home heating. Money saving ways with heat almost always save fuel too; and because of the current energy crisis, it's vital that everyone save where he can." There followed 19 fuel-saving tips for the homeowner. Not long afterward, Mobil offered 10 pointers on how to handle your car in ways that conserve gasoline, concluding, "All this may seem funny advice from a company that sells gasoline. But while the energy gap persists (and it is likely to for some time), conservation is going to be exceedingly important to us." Sun Oil has a booklet entitled *Petroleum and the Capital Crunch*, which explains the energy crisis and urges consumers to lend their "understanding and support" to solve it. This means, write your congressman.

There's nothing new in oil companies' promoting the energy crisis; they've done it for some time now to criticize the environmental laws they're forced to observe and to lend weight to arguments in favor of higher fuel prices and looser government controls. What's new this year is an actual shortage of home heating oil, a shortage that caused schools in Denver to close for several days and meant that most oil distributors in the Midwest and New England were forced to ration stocks among their customers. There was a brief shortage of jet, diesel truck, train and tugboat fuel, too. The oil companies are predicting that the winter crisis and the backlog it created will bring on a shortage of gasoline during the peak demand this summer. They are of the opinion that the country must reconsider its demand for clean fuel at low prices.

While we consume more electricity and fuel per capita than any other people on the globe, and at cheap rates, the present crisis is not entirely the result of our gluttonous appetite for energy. It represents a failure of planning, not a lack of resources. It would be foolish to conclude from the present shortage of heating oil that air quality standards or restrictions on oil transport should be relaxed, or that energy companies should be allowed to raise prices.

Last winter's shortage began not during a sudden, prolonged spate of bad weather in October or November, but one year ago on February 18, 1972. According to the weekly bulletins published by the oil industry's lobby group, the American Petroleum Institute (API), that was the last time the oil refiners in this country had adequate stocks of distillate oil—a category that includes heating oil. During the week following February 18, the stocks of distillate fell 200,000 barrels behind what they had been in the same week in 1971. They never caught up again. In succeeding weeks the gap widened, so that by August 4, 1972, distillate reserves were 24 million barrels short of what they had been in 1971. This shortage was allowed to develop at a time when the demand for distillates and heating oil was about six percent higher than the year before. During the summer months of 1972 when refiners prepare for the change from high demand for gasoline to high demand for heating oil, no extra precautions were taken. By November 3, the distillate stocks had fallen 30 million barrels in arrears, a gap that simply could not be made up in time for the winter demand. Normally the industry switches back to heavy gasoline production as the winter demand peaks off—a decision that requires close attention to market sales, stock levels and an element of weather prediction. The men who make these decisions also read the API bulletin, know precisely what's going on in the oil market, and what happened last year and the year before.

Aware that the oil producers were far behind in their stocks of heating oil, some congressmen doubted that supplies would last out the winter. The entire Senate delegation from New England wrote the President in October asking that something be done. Senator Thomas McIntyre (D, NH) called the director of the Office of Emergency Preparedness (OEP) before a committee he chairs to find out what the government had done to prepare for the shortage. Former OEP director, General George Lincoln, told him on September 19: "I have been assured by several major suppliers that there should be an adequate supply of No. 2 oil during the winter. The industry has the necessary refining capacity and necessary feedstocks to insure an adequate supply." Apparently the OEP accepted the industry's projections without demur, for it later defended Lincoln's optimism by quoting communications it had with Mobil, Exxon, Texaco and others. When Rep. Les Aspin (D, Wisc.) asked OEP how it had miscalculated so badly, he was told, "The overall impression given OEP officials by their industry contacts in late summer . . . indicated a tight but manage-

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able fuel situation." Texaco was quoted in a letter of July 28 saying, "There is sufficient refining capacity available in the US to meet anticipated demand for clean products over the balance of this year. . . ."

Texaco was one of the several companies that ran way short. By mid-December the first shortages appeared in the West, and it was not until a month later, on January 17, 1973, that the government recognized the severity of the crisis, lifting quotas on the importation of crude and foreign-made heating oil. All major producers by then were carefully rationing their supplies.

The industry explains this miscalculation as the result of unprecedented demand and limited refining capacity. The chairman of Mobil Oil told the Cost of Living Council in February, "Neither we nor anyone else had any way of knowing then how greatly the abnormally cold weather just ahead, plus related factors, would increase the demand for distillate." Those related factors turned out to be quite important. Tenneco, Exxon, Amoco all had the same story: because of the high demand for gasoline and heating oil last summer, they weren't able to build up reserves for a heavy winter. The truth is more complex.

Gasoline and distillate oil are made in the same refineries, so that in order to produce more oil, gasoline production must be cut back; and when gas is in demand, oil must be cut back. Gasoline requires more refining, is more expensive and more profitable. Demand for both products was very high last year, and will be again this year. The oil manufacturers decided—as any good businessman would—that their gasoline customers and retailers were more important, and as a result they allowed their distillate stocks to fall as far as 35 million barrels behind the 1971 level, while gasoline stocks never fell more than 10 or 11 million barrels behind.

The weekly production of distillate was running steadily at normal rates or a bit higher (as was gasoline) throughout October and into the first weeks of November. It was not until the week ending November 24, 1972 that the proportions changed markedly, oil going up a little, gas down. In December and January the production of oil continued to rise, but without a significant decline in gasoline production. This simply means that the industry as a whole didn't respond to the crisis until mid-November. As an official of the OEP remarked, it was the "really excellent weather of January and February that saved our skins. If it hadn't been for that, I don't know what we would have done."

So much for preparedness. The OEP's real problem is that it must rely on statistics and projections supplied by the oil industry itself; there is no objective predicting in this field. Its second disability is that while often held responsible for national energy planning, the OEP has no authority to act. It may only urge and recommend. Last winter it did both: in November it urged refiners to increase oil production, in December it recommended lifting certain oil quotas and conserving fuel oil and gas, and in January it finally brought about a four-month total suspension of heating oil quotas. The OEP's difficulties are symptomatic of the general failure of the government's energy policy. No one regards energy acquisition and consumption as a total process; the hundreds of laws that make up our "energy policy" are not viewed as interdependent.

While the oil-coal-gas-uranium corporations are able to design fairly coherent profitmaking strategies to exploit energy, the government is not able to respond coherently to the country's energy needs. The inevitable result is our "energy crisis." The two greatest incoherences at the moment are the regulations on natural gas and the quotas on importing oil. Natural gas is by every standard the cleanest source of energy now available. By government regulation it has become the cheapest, the most in demand. The country is burning gas faster than any other domestic resource and paying less than it should.

In addition to the consumer incentive to burn gas, the gas suppliers have created a lure to attract industrial customers, something called "interruptible service." An interruptible contract gives a large discount to the buyer in return for agreeing to let the gas company cut off supply at any time, usually in midwinter when homeowners need gas. This means that in the capital, the Washington Hilton and Watergate Apartments can buy gas for about 40 percent less than it costs a homeowner, partly because they buy in bulk and partly because they have interruptible service. When winter demand reaches a peak, these "industrial" users switch from gas to oil. This has introduced a new element of unpredictability in winter fuel supply; when a cold wave sweeps in, oil suppliers must satisfy not only their regular customers, but a host of part-time industrial customers who suddenly need large quantities of fuel. The discount artificially inflates the demand for natural gas in the normal season, so that energy companies have found it necessary to import gas from abroad at greater cost (per BTU) than oil.

Government quotas on foreign oil also have a direct bearing on the shortage of fuel. Begun in 1959 to keep out foreign products and encourage domestic exploration, they have now outlived their purpose. Quotas are lifted every year to satisfy our demand for oil—always greater than the domestic supply—so that by now foreign oil accounts for about 30 percent of our total product, and by 1980 it should rise to about 50 percent. Nevertheless, quotas are in effect part of the year, creating a constant shortage of unrefined crude oil. The uncertainty of crude oil supply, among other things, discourages construction of refineries in the US and makes life difficult for independent oil dealers

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who must rely on the big corporations for their supplies. Competition is limited, because the absolute supply of crude oil is limited, and the biggest companies control what's available. Those who can get enough crude oil use it to the best advantage—that is, largely for gasoline.

Environmental laws have spawned a new series of problems for the energy business. Oil industry spokesmen believe the environmental movement has raised gasoline consumption (new cars burn more because of their filters), discouraged the building of refineries, stalled oil production at home, prevented construction of deep-water oil depots and helped to bring about the distillate oil shortage. Much of this is true; higher environmental standards have increased consumption and costs. But it's short-sighted to argue, as energy suppliers do, that the logical response to these problems is to relax pollution laws and raise allowable prices for oil and gas. It would be far more rational to look for efficient ways of using the energy we have, or, if prices must go up, to spend the increased revenue on environmental research.

There is no Department of Energy or Energy Council devoted to making sense of government policy, balancing one need against another. Refiners are put off by the unpredictability of what may be required of them as suppliers, importers and polluters; each year they cope with the eccentricities of an oil policy that supposedly keeps out foreign oil but actually lets more and more in. Oil producers find it safer to build refineries abroad, and at this moment none has scheduled the construction of a new plant in the US. The 250 we have now are incapable of supplying our needs.

There is a contradiction in our environmental laws, too. Although designed to protect the future quality of life, they are causing us to use up the cleanest fuels first, without any restraint on how we use them. The government hasn't encouraged discovery of clean ways to burn old fuels like coal, nor has it developed research into alternate clean sources of energy (except for atomic energy, which isn't clean). The result will be as predictable as the heating oil shortage. As the demand for fuel increases, and the cleanest ones run out, it will become almost impossible to oppose relaxing environmental standards.

The President has said he will make an important pronouncement on energy sometime soon. It will deal with many of these issues, surely with the oil shortage, and possibly with the creation of a new, central office to administer laws controlling energy. One hopes that environmental concern won't be swamped by the demand for oil.

"Reversing the Flow of Power"

The New Federalism

by Tom Geoghegan

Edwin L. Harper, a ranking domestic policy aide in the White House, is a bit breathless about the New Federalism. We Republicans, he told the *National Journal*, have "been against things—for 40 years. Now we have something to be *for*." The President simply calls it "The Second American Revolution."

But big-city mayors who pushed so hard for the "Revolution" and its concomitant—revenue-sharing—are now saying they were played for suckers; they call it everything from a Trojan Horse to "a Hobson's choice between higher property and sales taxes and the starvation and death of worthwhile social initiatives." In recent hearings before the Senate subcommittee for intergovernmental relations, the political gall of it left mayors gasping. They say that in 1969 the President had agreed that general revenue-sharing would be new money, not old money from federal categorical grant programs. They insist they had verbal assurances from the Domestic Affairs Council as late as last month, and on-record testimony of the Treasury Department, that general revenue-sharing was to be *extra* money to pay for basic city services at a time when trash collections were being cut back in Cleveland and San Diego. There's been "a gigantic double-cross," one mayor says. Budget cuts, the HUD freeze and new regulations tightening expenditure of social service funds have put most cities and some states into a deeper hole than ever.

Now the debate over special revenue-sharing be-

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gins again, but it—like general revenue-sharing—has lost the glamour it held for the mayors. As explained in Nixon radio chats, special revenue-sharing is a new way of packaging hundreds of operating federal grants-in-aid under such labels as manpower or community development. It once looked good to city planners who moaned that federal grants are too many to count, much less apply for, and that most of them are over-processed and over-policed by Washington. Special revenue-sharing, the mayors believed, would free them from a great deal of bureaucratic red tape by "folding" the more restrictive categorical federal grants into no-string, block grants; all that would then be asked of state and local officials is a simple definition of the services they plan to offer for the money. The last Congress nearly passed such a revenue-sharing bill for community development, though it tied quite a few strings onto the block grants. This year, under the heading of community development, Congress will probably reorganize many or all of HUD's programs into some modified form of block grant.

Special revenue-sharing would "fold in" such programs as Model Cities that are specially designed to close the economic gap between cities and suburbs, or between blacks and whites. It is supposed to give each mayor more leeway to plan. In the meantime, however, the rest of the urban battle may be lost. For if Congress *does* go along with the President and repackages old programs into broad special revenue-sharing block grants, it will be 18 months before any of the money reaches the cities. That's a long wait for the paltry $2.3 billion the White House plans to budget for community development, especially when there's no assurance Congress *will* take that route. Distribution formulas are up in the air; for the moment there is no Model Cities, no urban renewal, no open spaces money. There are to be no new federal commitments to build any low-income housing at all in the foreseeable future. By fiscal year 1975 inner-city construction may be at a standstill. The administration feels, as Mayor Norman Minetta of San Jose observed, that the mayors want the block grants so bad they will put up with anything to get them.

The current philosophy of the Office of Management and Budget is that "programs which have not met expectations are to be eliminated and programs which have met expectations are now local responsibilities (without federal resources)." That's the Catch-22 of New Federalism. And it catches the cities unprepared. It slashes urban programs from $4.2 to $2.7 billion; it cuts programs for the unemployed, the elderly, the sick and the young by seven billion dollars. "On top of this," says Mayor Henry Maier of Milwaukee, "we find the President's budget saying to the people whose programs were not administered by the city government such as the school board, the county governments and social development commission in the case of my city—if you want these programs go to city hall and have them financed out of general revenue-sharing funds."

The New Federalism, as a Maryland budget officer put it, "is 100 percent of the political heat and 40 percent of the money." The mayors are made "free" to fire black community workers, lay off police and cut services for the elderly. That is what Washington calls "reversing the flow of power."

Even before the President began to freeze, cut and impound, general revenue-sharing was not about to launch anything new and spectacular in the inner cities. In most urban areas the first bundle of revenue shared went into capital construction needs, higher salaries for officials and better public safety. Almost entirely neglected were social services for the elderly and poor. To push money to the neediest, most cities have to be solvent to begin with, and confident that while the streets stay in good repair the federal money will keep pumping in fast and steady. Few of the mayors can believe that now.

Halfway through the cities' fiscal year the President impounded $6.8 billion, or 30 percent of the controllable $23 billion appropriated by Congress for domestic social programs. Dumbfounded mayors and governors had to tear up their budgets and write them over again, and do it bearing in mind that last year's HEW-labor budget, vetoed by the President, has not yet been approved by the Congress. As Georgia's Governor Jimmy Carter says, "What encouragement is there to try to make a program run right (in Georgia) when it may be wiped out because a similar effort was mismanaged in California?" The state-local-federal partnership has been dissolved, Carter says, by the "steady deterioration of the effectiveness of government in Washington." What he means is that Congress has lost control of the budget. In Georgia, where almost a third of the budget had been underwritten by Washington money, and where new federal cutbacks alone take $174 million from the state, it's hard to see why responsible leaders would wish to start any new programs, or bother to project a long-run cost.

A staff aide at the National League of Cities points out, "Even the well-off cities, the cities out West, have to be wary. General revenue-sharing will end in five years. You can't let yourself start relying on it." After losing $7.3 million in Model Cities money and $5.5 million in public employment funds, San Francisco isn't in a position to plan bold new ventures. And while it is true that Washington will hand over $40 million to San Francisco for social programs, those programs *had* been funded at $88 million!

If the budget crunch hurts in San Francisco it is paralyzing in big cities of the East, many of them potential Newarks. It was anticipated that revenue-

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sharing for cities like Detroit and New Orleans was to make up five to eight percent of the operating budget. Under state law these two cities, as well as most others, are not allowed to run deficits, no matter how fast their tax base may be crumbling. For Mayor Roman Gribbs in Detroit revenue-sharing was a last chance to end the hiring freeze, perhaps even rehire city employees he laid off last summer. On top of heavy federal and state taxes Detroit has a property tax, a utility-users tax, and a two percent city income tax (only slightly affecting commuters) which it has pushed to the statutory hilt. Cities like Detroit and New Orleans can no longer help themselves; there's little or nothing left to tax. Detroit's unemployment rate shot over 10 percent last fall. A Model Cities program that Gribbs says was just starting to get on its feet has been cut 45 percent. Detroit lost $123 million in Environmental Protection Agency funds, crippling its plan to meet EPA control standards. Twenty-five hundred city and board of education workers are unemployed, and more ominous, Detroit has lost the money to fund 18,000 summer jobs in the inner city.

Before New Orleans' HEW and HUD money was axed the city *had* to consume every dime of its revenue-sharing for the next five years "just to pay for basic services." In Congress the liberals used to tell the mayors "they should be fighting blight and poverty," one city official says, "but in Cleveland and most other places they can't even pay to collect the damn garbage."

The fiscal 1973 federal budget allocates Model Cities $644 million and urban renewal $1.45 billion. For fiscal 1974, HUD's "transition year," housing and community development funds are nonexistent. HUD's new commitments drop from a pre-freeze level of $2.9 billion to $350 million next year for public housing. The total economic loss locally has been estimated by the mayors as $20 billion and 2.2 man-years of employment. For the next 18 months it will be almost impossible to build low- and moderate-income housing anywhere in this country.

The mayors have only begun to fathom how hard this will hit them—not just the poor and the blacks, but lily-white construction unions too. At least half a million new housing units for low and moderate-income families could have been produced from existing contract authorization for the rent supplement, Section 235 and 236 programs. "The cities themselves can't build housing, of course," one aide said, "and all these cuts will have a general grind-down effect on their community development staff." A few mayors might be able to finance some emergency construction by floating bonds, but most cities have reached their bond ceilings. Even if the administration again begins to spend money on community development, the dearth now of new housing commitments will crimp developers and city planners later. "We may know where we want to go with the new block grants," a city planner said, "but we don't know how to get from here to there, except by laying off a lot of good people and losing the momentum we were just starting to have in model cities, and other things." As the mayors like Gribbs and Richard Hatcher of Gary see it, their cities are about to enter a new stage of physical decay. By the end of fiscal year 1974 the country will have fallen 45 percent behind the housing goals set by the Congress in 1968. A whole generation of public housing projects is peeling away, working-class families elbow the poor to crowd on waiting lists, and for some time almost everywhere in the country the property tax has to carry the Model Cities burden.

But it is in terms of jobs, not buildings, that the administration poses the big danger of a blow-up. With the crime rate shooting through the roof and the President preaching law and order, some mayors like Gribbs may nevertheless be forced to fire cops and don't relish the idea one bit. The Public Employment Program (PEP), though extended a year, has no *new* money for it and, in effect, it is over. That means, for the city poor, the end of 180,000 jobs in the public sector. Over half those on this PEP payroll were from minority groups; perhaps a third were Vietnam veterans, serving as teacher aides or paramedics, helping to keep open public health centers and recreation centers that may now have to close.

This summer, with the end of the Neighborhood Youth Corps, over 740,000 teenagers, most of them ghetto youths, will be jobless. In Gary, Indiana, with its black and Latin majority, Mayor Hatcher will have less than 40 percent of the overall federal aid that was available to him in 1972.

Manpower programs, cut from $1.6 billion to $1.3 billion, are still around in the cities, but except for the labor unions that run them, there is not much interest in them any more. Most mayors would rather create jobs through public service employment than put the unemployed through training.

Without PEP there is little the mayors can do for tens of thousands of community-service workers laid off when 907 Community Action Agencies lose their annual appropriation of $285 million. When Washington began funding the CAAs the mayors complained that responsible, local politicians were being undermined. Now that it has stopped funding CAAs they say—and rightly—they are being undermined again. In a city like Detroit the OEO cuts mean a loss of $6.1 million and at least 600 jobs; for Washington, DC that figure is closer to $8 million, affecting 2000 community workers. Whatever their distaste for what Daniel P. Moynihan calls "paragovernments"—OEO-funded CAAs, community mental health centers, the day-care projects of the nonprofit sponsors—local governments are too deeply into these projects to end them. The mayors are under terrific pressure to pick

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up the pieces Washington has dropped.

So, after years of lobbying for no-strings money like revenue-sharing, some of the mayors have gone back to defending the philosophy of grants-in-aid—federal money for specific purposes. The reason is simple: the rich suburbs get richer from general revenue-sharing; the inner cities get poorer from cuts in categorical grants-in-aid. And that prospect is frightening to many mayors, black and white, who while they don't expect the ghettos to burn this summer, do fear that street crime is about to take a hair-raising leap. In white Republican suburbs the housing freeze comes at a most convenient time, now that HUD and court orders (particularly in Chicago and Philadelphia) are requiring that subsidized housing for the black and the poor must be dispersed throughout these communities. As many Republicans see it, Great Society money was political spoils money; programs like CAP and Model Cities were black patronage for the Democrats' fastest growing bloc of voters. Big cities had the stranglehold on the grants, each city with its lobbyists and congressmen dug in on Capitol Hill. The masters of the New Federalism are the White House and the suburbs.

What Reform Proposals Would Accomplish

Tax Hikes and My Tax Return

by Edwin L. Dale, Jr.

I write this after finishing my tax return in an attempt to personalize somewhat the tax reform debate, as well as to express what I suppose can be called a moderately conservative view.

Three points before we begin:

First, it is only fair that I give an idea of my own income, though I see no need to be exact. My wife, who does not work but has some income from investments, and I together have an income in the range of $50,000 to $70,000, most of it mine and earned from my employer and from other writing and broadcasting. The income is not, I suppose, "fat cat" but it is at the lower end of the high-income range that reformers principally and legitimately want to reach.

Second, I shall try to give judgments on proposed reform items on the basis of what I think best for the country, for equity, for the economy and so on, but lest anyone should suspect that my views could be colored by my own situation, I shall say what deductions or "loopholes" I benefit from myself.

Third, I shall use as a test package of reform proposals the $13.4 billion revenue-raising package presented this year to the House Ways and Means Committee by Joseph A. Pechman of the Brookings Institution, one of the nation's most respected tax experts. This is not Mr. Pechman's maximum or most "radical" package, but it is the maximum that he thinks barely within the bounds of practicality.

The list includes most of the revenue-raising reform areas in the various proposals by congressional advocates of reform, though details may differ. It is, by any measure, a good representative list.

And so let's look at it from one man's window. All of the figures are Mr. Pechman's, based on the now-possible computer analysis of past tax returns, and they involve only the *individual* income tax, where the reforms would raise $10.2 billion in added revenue. Some of the proposed changes would also raise taxes on corporations, of which a word later.

► *Remove the "maximum tax" on earned income—revenue gain $100 million.* This is the provision, enacted in 1969 and particularly and genuinely beloved by the Nixon administration, that says a man can never pay more than a top "marginal" tax of 50 percent on his *earned* income. If the president of General Motors, regardless of his investment income, gets a raise from $300,000 to $350,000 in straight salary, he cannot pay more than $25,000 of the increase in tax. Theoretically, before the change his top marginal rate was 70 percent.

I strongly believed in this provision at the time, though my income was not and is not high enough to benefit from it. The idea was to reduce the "gimmicks"—stock options, company cars and airplanes, special pensions and the like—that are used to compensate executives instead of a straight salary increase of which

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they could keep only 30 cents on the dollar.

The early evidence seems to be that the gimmicks continue despite the change. But it is still early, and the revenue gain from the repeal of this provision is very small.

The ultimate judgment here must reflect one's sense of equity and of the effect of taxation on incentives, and cannot be based on revenues. I would leave this provision alone for a while, but the world would not come to an end if it were repealed.

► *Make 60 percent of capital gains taxable, instead of the long-standing 50 percent, and remove the "alternative" or "ceiling" tax that some very wealthy individuals still can use to pay even less than the 50 percent rule would otherwise require—revenue gain $1.5 billion.* I'm for it. It has become clear that arguments and analyses by economists here and abroad on capital gains taxation and its effect on "capital formation," economic growth and the like are, and inevitably must be, inconclusive. As Mr. Pechman and such men as Richard Musgrave show unmistakably, the capital gains "loophole" is far and away the biggest of all.

The proposal to tax capital gains a little more, without treating them the same as ordinary income, strikes me as a sensible compromise move toward both equity and more revenue—and moderate in both senses. Such a change would obviously not destroy anyone, let alone the economy, and I cannot worry about the modest loss of $1.5 billion in "investment capital" that it would produce. In my own case it would make almost no difference. I have no capital gains except for a few hundred dollars a year in capital gains dividends from mutual funds. The change would cost me less than $50 a year in added taxes for the foreseeable future.

► *Eliminate deduction of state gasoline taxes—revenue gain $500 million.* I cannot imagine why anyone can legitimately oppose this change, though I can understand why some with feeble arguments do. With the "energy crisis," it makes more sense than ever. This is the best, simplest and ought-to-be least controversial way of picking up a half-billion dollars that I know, and it would affect only the deduction itemizers, many of whom would hardly feel the change. We don't drive much and have small cars and it would cost me only about $15 a year.

► *Eliminate deduction of real estate property taxes—revenue gain $2.3 billion.* Here is a very tough one. If we were to start all over again, I would be thoroughly in favor of eliminating this preference for homeowners as against renters. In my own case, as a homeowner, the change would cost me about $500 a year more in federal taxes and I would not object to paying it. But the whole real estate market, and family decisions, have become conditioned in considerable part by this deduction. There is a partly irrational "revolution" against the property tax, which would be made even more burdensome to many by this change.

In the interest of tranquillity, given what I understand to be the state of mind of a large number of citizens, I would oppose this change. I regard tranquillity as a higher objective in this case than theoretical tax equity or revenues; two-thirds of the nation's families are homeowners. Unfortunately I hereby knock out nearly a quarter of Mr. Pechman's revenue gain from changes in the individual income tax.

► *Remove the $100 ($200 possible for man and wife) "exclusion" for dividends which makes the first $200 of dividends tax-free—revenue gain $400 million.* I'm for it, though it would cost me about $100 a year in added tax. The main opposition, largely irrational, comes from retired persons who have an exaggerated idea of how much extra the tax repeal would cost them. With the enormous recent increase in social security benefits—which are and will remain tax-free—their argument has even less merit. For example, a retired couple with $5000 of dividend income—or a total income of some $8500 including social security—would pay about $30 a year if this provision were abolished.

This provision in the law is a hangover from the 1954 Eisenhower tax act in which the administration genuinely believed that favored treatment for dividends was necessary to change the "mix" of capital formation by companies away from bonds and toward stocks. It never really worked as intended and the most meaningful tax benefit for dividends in that law, the dividend credit, was repealed in 1964. The remaining provision is wholly unneeded and its repeal would pick up some useful revenues.

► *Eliminate 50 percent of excess depletion (oil, etc.)—revenue gain $200 million.* The main thing to be said about this one is that its sex appeal is far greater than its revenue yield. Oil depletion has become the symbol of "loopholes" and I suppose there is nothing to be done about it. In fact the tax reforms of 1969 and a number of other things have begun to reduce the population of free-spending Texas oil millionaires though oil is still a way of making money.

The evidence is murky on how much the tax favoritism for oil and gas has "helped" in encouraging exploration and discovery. But it is obvious that the case for limitation of the oil depletion deduction is less good now than it was five or even three years ago; there is a real national advantage in finding more oil in this country.

On this one I cast no vote, for I feel too uncertain. In abstaining I emphasize only that the revenue yield is relatively peanuts in a federal tax system that will raise $255 billion this year, and that there *is* an energy shortage.

I tried a small oil investment last year for the first time, in part to see how they work, and got a nice deduction for "intangible drilling expense" that saved me some $650 in taxes, or 40 percent of my total investment. This deduction—technically an "exclusion"

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from income—is not in the Pechman package and is more of an advantage to oil explorers even than depletion. This one clearly *does* encourage exploration, whatever its implication for tax equity. In my case, oil and gas were found and I will have a depletion deduction from my small share of the well when it starts producing income this year and later. I do not know what it will be but I am confident it will be well under $100 a year in tax saving.

► *Place three percent floor on charitable contribution deductions—revenue yield $1.9 billion.* This too is a tough one. It would treat contributions much like medical expenses, with a deduction allowed only for the amount above three percent of an income. How it would affect people's contributing habits nobody really knows.

For one thing, the "standard deduction" has now risen to 15 percent of income with a maximum of $2000. Hosts of small contributors to charities, churches and schools—if they are not confused by congressional debate on the tax bill—should not change their habits at all, because their total deduction would be less than $2000 anyway and they do not have to itemize. Contributions for these people have not really been "tax deductible" in the first place.

At the opposite end, quite probably with the same result, are myself and presumably many others. This proposal is an ingenious way of making me pay quite a lot more taxes—it would have been about $900 additional tax in the return I have just completed—without necessarily reducing my contributions much if at all. I am well "over the top" of three percent, and I could never identify which contributions put me over the top and were therefore tax deductible. In a sense all would be *partly* tax deductible, and I suppose I would go on making them, though I might cut back some because my total after-tax income would be cut.

For the millions in between, however—the itemizers whose contributions come to less than three percent of income—there would be a real problem and a real disincentive for contributions, though they would not necessarily stop making them. By definition this change would also be a problem for the many fine institutions that rely for much or all of their income on contributions, including many of the nation's financially strapped universities. They might not lose as much as they fear, but they would lose something.

I would vote against this one, and not mainly because it would cost me $900 in added taxes. Alas, I'm taking away almost another 20 percent of Mr. Pechman's revenue gain from the individual income tax.

► *Tax unrealized capital gains in excess of $5000 transferred by gift or in an estate to heirs at capital gains rates—revenue gain $600 million.* This has long been a matter of controversy, but I'm for it. No one would have his wealth "confiscated," but some estates and gifts would be taxed more than is now the case. The issue involves, as an example, the man who bought IBM stock at 10 sometime before World War II (it is now worth 440 or so), never sold it and therefore never paid a capital gains tax, and passes it on to his heirs. If the heirs sell the stock, they pay tax only on the amount by which it may have risen above 440, or the price at death.

Note that Mr. Pechman would tax this gain, at the time of death, at only capital gains rates, not at full estate tax rates. In fact this proposal is likely to be "meshed" with a general reform of estate (death) taxes, which will tax some very large estates with unrealized capital gains more and tax middle-sized estates (say $100,000 to $500,000) possibly less.

This is a most complicated subject, to say the least—not only in the tax sense but in the "moral" sense of how much financial start in life a young person should have. But for our purposes here, it is worth noting that the reform would raise less than one billion dollars. It would not be devastating to anyone. Obviously, I am not affected by this one, at least not until I die. I doubt very much that I or my heirs would be affected significantly even then.

► *Remove $25,000 exemption allowed for "excess" interest deduction arising from investments—revenue gain $1.2 billion.* Again I'm for it (and I confess surprise at the amount of revenue it will yield). This is a strange one—hardly at all understood—which accounts for a large portion of those presumably wealthy persons who still pay no tax even after the 1969 reforms.

If a man borrows money to buy stocks or bonds, or to invest in oil or real estate or anything else except tax-free municipal bonds, the interest he pays on that loan is deductible just as the mortgage interest for the ordinary homeowner is deductible. No doubt it should be: He pays the interest, after all. He is out that much cash.

Often this interest payment exceeds, in a given year, the dividends, interest and rents from the investments, and the man pays no tax at all. At present he is allowed "excess" interest of $25,000 (it was unlimited before the 1969 reform); that is, he can deduct as interest, if he has such interest payments, up to $25,000 more than his income from the related investments. If he has earned income, this deduction like any other can be used to reduce or eliminate his tax on it.

One thing about this item is not complicated: it can apply only to the very rich or the great gamblers trying to become rich. Elimination of the $25,000 "excess" deduction would still enable these people to offset their interest payments dollar for dollar against their related investment income. Once again if the revenue yield would in fact be $1.2 billion, there would probably be a loss of "investment capital" in this amount, but the economy would survive. Like the previous item, I am not affected by this one and undoubtedly never will be.

► *Tighten the new "minimum tax" by including more*

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"preference" income and raising the tax rate—maximum revenue among three possibilities, $2.4 billion.

This is the major provision in the 1969 tax reform act that made a good start at eliminating the zero or near-zero taxpayers—those wealthy persons who took advantage of various tax preferences (loopholes if you will) in such a way as to avoid tax altogether. The reform has not received the credit it deserved, but there is a good case for tightening it. In essence this provision makes a wealthy taxpayer add up nearly all his or her "tax-sheltered" income and deductions—oil, real estate, the untaxed half of capital gains and the like—and if it exceeds $30,000, he will probably have to pay an extra tax.

The glaring omission from the list is tax-free interest on municipal bonds which, thanks to the passions of governors and mayors rather than wealthy taxpayers, was left a sacred cow in 1969. Happily, the governors and mayors have changed their minds, with a new optional substitute for tax-free bonds now in sight.

Mr. Pechman's reform, like those of others, would include municipal bond interest in the "preference" income for purposes of the minimum tax. But remember, it would still be true that anyone could take advantage of up to $30,000 of preferences before even having to get a new tax form. These preferences, such as special depreciation for real estate and the oil allowances, do have a purpose—if often a debatable purpose. Mr. Pechman and other reformers, besides including municipal bond interest, would also raise the amount of the special tax from its present rate of only 10 percent.

Hardly anyone has proposed tampering with the $30,000 minimum of tax shelters that any taxpayer can use without troubling about the new extra tax. This is perhaps a recognition that there *is* a purpose behind these special provisions. But the reformers—and this includes the Nixon administration in 1969, though hardly anyone remembers that—correctly realize that a massive use of a combination of shelters by the very rich creates, at the least, a needless social malaise.

Meanwhile for municipal bonds there is an emerging consensus that is not on the Pechman list but that he would happily endorse. This is the "taxable option"—taxable state and local bonds with part of the interest subsidized by the federal government. Tax-free bonds would not disappear at once, but they would be on their way out. The tax-free interest on the old bonds would be included, as part of the reform package, for purpose of the minimum tax, but with the generous exemption of the first $30,000 of all preference income.

I favor this change in the minimum tax to include tax-free interest, though I am not certain that the increase in the tax rate should be as much as Mr. Pechman's maximum proposal, to raise $2.4 billion. The rate should be higher than 10 percent, but perhaps not as high as he suggests—one-half the normal tax rate, or up to 35 percent.

My wife and I received about $5500 of tax-free interest from municipal bonds last year (so there, Internal Revenue Service; I didn't have to tell you, though I should have been required at least to report this income long ago). We shall keep buying them as long as the present system exists and they have an effective yield (after allowing for their tax-free nature) of 10 to 12 percent to us. But of course we are far from the point of being affected by the minimum tax, even as proposed to be amended.

That is the Pechman list. It comes to $10.2 billion in added revenues on the individual income tax, of which I have indicated that I would vote for about half in dollar terms. That is probably more than Congress will vote for, or the Nixon administration will propose. Indeed the administration's position is that its reform package will raise no net revenues at all, on the ground that the nation is already taxed enough.

The rest of the Pechman package is $3.2 billion from these same changes as they affect corporations, of which only three matter: eliminating the "ceiling" tax on capital gains, reduction of the oil and mineral depletion allowance and, most important, the tightening of the minimum tax.

I have no clear view on this aspect of the issue though the revenues in question are large, partly because it is almost impossible to know the "equities" involved. In general and in brief I feel that corporate profits as a whole are a shade too low for the good of the country and the economy. They are low by almost any historical measure despite their recent increase, and I am concerned about taxing them further.

It is very important to note that the Pechman list and this article leave out altogether two major items involving corporations that are included (misleadingly, I believe) in the "reform" lists of many members of Congress. These are investment credit and the somewhat more rapid depreciation allowance, both enacted in 1971 and aimed at spurring corporate investment. If both were repealed—and, on the basis of an inevitably uncertain judgment, I would repeal neither of them—there would be a revenue gain of nearly five billion dollars, almost all from corporations. What we have been talking about here is not this, but the individual tax.

To summarize the matter, I am far less worried about more taxation of genuinely rich individuals than about more taxation of corporations, which I feel could be harmful. In any case, reform lists should be scrutinized to be sure that the distinction is made.

My tax return is on its way. I paid a lot—in the range of $15,000-$17,000—and I don't mind. The system is a good deal fairer than many people think, but it could be made fairer still and raise a little more revenue. But making it fairer will not raise all that many billions.

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Stanley Kauffmann on films

Save the Tiger

(Paramount)

Tout Va Bien

(New Yorker)

In one of those tandems that come along occasionally, here is another Jack Lemmon picture right after *Avanti!* (*TNR*, Feb. 24). When an actor is as talented as Lemmon and as unreliable, it's nice to note that, in a two-picture cluster, he has done well. The first was a farce, and farce is the style in which he and Cary Grant have been our best performers—though he has wobbled much more during his career than Grant did. In the second film, *Save the Tiger*, he is, figuratively, the farceur offstage, as he was in *The Apartment* and *Days of Wine and Roses*.

This is the sort of script (written and produced by Steve Shagan) that in the desert of scripts available to actors probably looks like good truthful writing—or as one reviewer said of it, in my favorite quote so far in 1973, "deeply profound." But Lemmon is a very much better actor than Shagan is a writer, so, after accepting it, Lemmon has come up with truths that are more "deeply profound" than anything Shagan gave him. In *Save the Tiger*, except for two flatly impossible scenes, you can see an actor improving a script by understanding it and going beneath it, coming close to the immanent moral anguish that is supposed to underlie the role, presenting his perceptions of his character with recognizable Lemmon style but without cliché, his or anyone else's. Like a good farceur, he knows how to use his whole body, and he doesn't let any of it go to sleep just because he has moved from farce to anguish.

He plays a middle-aged dress manufacturer in L.A., a high liver and high-pressure salesman, a financial juggler who, with his partner, did a "ballet with the books" the year before to keep their company afloat. Now they have a hit line of new dresses which will rescue everything if only they can find the capital to manufacture and deliver. The film deals with 24 crucial hours, when the firm has its fashion show for buyers, gets its orders, and has to find a way to fill them. The day is presented as a capsule of everything Lemmon is and has been and will not be; whatever validity there is in the picture—and there is some—comes mostly from his voice, rather than what he says, and from his tired terrier look. He leaps from crisis to crisis like a lumberjack on floating logs, and his sure inflections, crisp timing, and physical precision carve out some hints of truth *within* the script.

Shagan, as writer, has reshuffled a deck of cards worn out by the hands of Paddy Chayefsky, Robert Anderson, and many others. The formula is to posit a past in which the hero not only had the glow of youth but in which the world was, somehow, better; and to tug nostalgic heartstrings with old tunes, references to the Brooklyn Dodgers, and World War II. The cast is also full of stock ingredients mixed by a dull chef. If Lemmon is a sharpie, then his partner of course has to be humane—*Jewish*-humane, natch—played well enough by Jack Gilford. In his shop is a philosophic old Jewish cutter who is poorer than the boss but happier. Lemmon's wife is slightly tough and sexually aloof. She goes to New York, and he meets an uninhibited hippie girl on the Strip. There is no character who is not a stereotype, no dialogue that rises far enough above middlebrow drama to make the comment on middle-class life that it aspires to. (Rather like the current Broadway hit *That Championship Season.*) And as heavily as Bertolucci in *Last Tango in Paris*, Shagan includes sequences to justify the title and make it ultra-clear—in this case, a man collecting funds in the street literally to save tigers.

We see Lemmon stooping. He has to pimp for a visiting buyer. He has to arrange with a professional arsonist to burn down a plant so that they can get the insurance money as capital. Gilford objects to both actions, Lemmon rationalizes. (Workers to keep employed, themselves to keep out of jail, etc.) The whole is presented as a drama of American corruption: how there is no ethics any more—meaning since the days when they were young and those tunes were new.

This is nonsense, on two scores. First, there is not one item in this catalogue of decline that could/would not have been present 30 years before, except the hippie girl, who is herself by now a howling platitude. Second, more "deeply profound," there has been no moral decline from a Golden Age in this country, there was an osmosis of corruption from the top down, and it didn't begin 30 years ago. For decades the middle and working classes behaved, generally, according to prescribed standards. The worker was "poor but honest," the clerk was thrifty and punctual and hard-working and eventually got to be manager. (See 19th-century fiction and drama.) Both of these patterns pleased the owners, the bosses, the power brokers, who were living by quite different ethics. (See 19th-century history.) Nothing pleased the robber barons more than the employees who would not have touched a penny of the firm's money or shaved a minute off office hours, while

(continued on page 34)

Films Worth Seeing

Cries and Whispers. Inferior Bergman, with no real ground or progress in its story of three 19th-century sisters, but beautifully executed.

The Discreet Charm of the Bourgeoisie. Buñuel, apparently getting younger, mocks the fantasies of the stuffily corrupt with pitiless wit.

The Emigrants. Liv Ullmann. Max von Sydow. If that's not enough, some truth about 19th-century Sweden that drove people to the US.

Jeremiah Johnson. Robert Redford as a trapper in the Rockies 130 years ago, in a picture of exceptional authenticity.

The Ruling Class. A generally fascinating mess about a religious nut who inherits an earldom. Peter O'Toole fine, as are most of the others.

Traffic. Jacques Tati's latest comedy is his best: a balletic spoof about auto madness. Actually more to be looked at than laughed at.

Under Milk Wood. OK, so it's *not* a "real" film. But there are lots of nice pictures and some lovely speaking of Dylan Thomas' tumbling poetry.

SK

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Sedulus on TV

Toward a Servile Public Service

I have been wondering for some time what a liberal is, but a conservative history professor and TV columnist, David Brudnoy, recently set me straight in a long article in the conservative Washington weekly *Human Events*. Brudnoy's prime target was Channel 2 (WGBH) in Boston, where he occasionally acts as conservative "balance" on the 7:00 news. He claimed that WGBH's coverage of public affairs was solidly lib or left lib ("the producers at WGBH, many of them, seem to think they've exhausted available conservatives who can speak sentences in public when they've had me on the air three or four times a month and maybe one other conservative once monthly"). And though he concentrated on WGBH, he took Boston's ailment as a sample of a national ailment. Hence I learned from him, slowly and inexorably, that a lib or left lib is one who believes public television should have public affairs programs that are slanted against the current administration.

I had thought, remembering the Johnson days, that the role of the press, even when it sets up shop as an adversary press (which is less often than advertised), was more complicated than that, but Brudnoy's view does seem to be the Nixon administration view, and is therefore a view that threatens to be definitive by fiat. I was surprised to hear that liberalism, even as so defined, is rampant—sitting here in this old lib stronghold I don't feel a bit rampant—but if we are indeed rampant, as Brudnoy says, I am pleased and will watch for our circulation to increase. I will not, though, personally be as disturbed as some of my fellow rampant libs if the Corporation for Public Broadcasting should remove public affairs from the publicly financed TV scene. On that point I have to disappoint Brudnoy by not letting my knee jerk.

The question of public TV's survival in *any* form, with or without public affairs, is the big question; and since public affairs programming is only a small part of the public broadcasting package, a big fuss about that part's continuance is, though nobly inspired by fears for our freedoms, probably bad strategy, since funding of the whole shebang may well be threatened by bad feeling, in the White House and Congress, about that part. (Also I worry a good bit more, in connection with freedom, about Brudnoy's incidental but familiar attack upon *The New York Times* than his attack upon public TV news programming: "What the *Times* is to American journalism, ed-TV is to television: the constant, consistent mouthpiece of liberalism and left libbism.")

Do I therefore agree with conservative Brudnoy? No, I wish merely to shift the emphasis from the public affairs issue in public television to the role of public television as a whole. I can't reply in any event to his comments about the Boston station's alleged imbalance, since I don't live in Boston; and though I have never received an impression of vast imbalance on Washington's public TV station, I won't argue the point. *My* point is that behind the conservative complaint that the libs and left libs are running public affairs on public TV is the larger conservative objection against public TV itself, that it shouldn't exist, or shouldn't exist on any sort of par with private TV.

Brudnoy does not raise the objection explicitly in his article, letting his ironies carry the burden of his message to fellow conservatives; but the ironies are too heavy to ignore, and they are largely put forth in opposition to the economics rather than the politics of public TV. To Brudnoy the sum of $45 million this year for public TV from the coffers of the US government is an extraordinary sum, and so he ridicules "liberal" complaints that that sum was two-thirds of what was asked for for the first year, and omitted from consideration entirely the $90 million requested for the second year; poor PBS, he observes, has "*only* $45 million or so of taxpayers' money with which to struggle by this year." (In fact it came to $35 million.)

He also notes, leaking crocodile tears, that Sander Vanocur is "being eased out of his *meager* $85,000 yearly, and Congress has decreed henceforth all new PBS executives will have to make do on a *mere* $42,500 max., a congressman's salary." In that "only," that "meager" and that "mere"—the italics are mine—resides 1) a conviction that public TV should not be allowed to play in the same economic league as private TV (and as a consequence should be resigned forever to being a minor leaguer), and 2) a conviction that public servants in general should not be paid what persons in the private sector should be paid.

Remember when this latter view, which is rampant now in state legislatures as well as in the conservative ranks in Washington, was combatted during the Great Society days? Efforts, admittedly feeble, were made then to bring private-industry talent into government, particularly in urban affairs, at salaries not too ridiculously beneath private-sector executive scales. But under the Nixon administration the imported private-sector executives have been, with astonishing uniformity, millionaires to begin with, so that the salary differential has been of little concern. In the new conservative Washington as a result the public servants—except for the rich and mighty passing to and fro—are being pushed hard to assume the servile role that the American rich have always wished on them.

To put the problem differently, Brudnoy's conservative ironies suggest to me, in reaction, a description of the liberal faith that will not be put forth from the present White House, but is nonetheless of some weight: a liberal is one who believes, unlike his conservative opponents, that public service is a high calling.

There are several corollaries to that description, such as: 1) a liberal does not believe that public servants are pigs at the public trough, and 2) a liberal believes that public service should be competitive, economically, with the private sector. But perhaps the most depressing description that I am driven to, after reading Brudnoy's account, is that a liberal is one who believes himself to be at the moment essentially powerless and out of play, yet is believed by his nearly omnipotent opposition to be secretly running the country.

Notes on Contributors

James Gilbert *teaches history at the University of Maryland. A long poem, "The Ghetto," by* Lola Ridge *(1883-1941) was published in* TNR *in 1918 and became the title poem of her first book. The poem printed in this issue appeared in 1927 and is to be found with other poems by her in an anthology,* The Women Poets in English, *edited by Ann Stanford, being published by McGraw-Hill this month.*

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America on High

Licit and Illicit Drugs

by Edward M. Brecher and the editors of Consumer Reports

(Little, Brown; $12.50)

Consider this couple on an evening out. They are going to have dinner with friends, but both have been watching their weight. So before they leave each takes a pill prescribed by their doctor as an appetite depressant. They meet their friends for dinner and drinks, and after coffee they smoke. Later that night they have trouble getting to sleep so each takes a sleeping pill their doctor prescribed for insomnia. Thus ends a rather ordinary day for a rather ordinary couple.

If you read *Licit and Illicit Drugs*, you will probably view this scenario differently. The couple's evening out would now be viewed as a series of their ingesting, imbibing or inhaling five dangerous, albeit legally taken, drugs. You would call the appetite depressants by their generic name amphetamine; the drinks alcohol; the coffee caffeine; the cigarettes nicotine; and the sleeping pills barbiturate. Brecher's book might also convince you that the American drug scene is considerably larger than blacks shooting heroin or hippies on LSD. Perhaps you would even begin to see that you are a part of this larger drug scene.

Brecher discusses each category of drug in its historical perspective. The result is fascinating and informative. Coffee, we learn, was banned in 16th-century Egypt and efforts were made to restrict it in Europe. In the United States at the turn of the century, one physician warned: "Often coffee drinkers, finding the drug to be unpleasant, turn to other narcotics, of which opium and alcohol are most common." His words sound ridiculous today, but they are almost identical to what many physicians and government officials used to say about marijuana.

Coffee, however, is not a harmless drink. A recent issue of the British medical magazine *Lancet* reported a link between heavy coffee-drinking (more than five cups a day) and heart attacks. A 1969 Stanford study showed that caffeine is addictive: physical dependence can occur at five or more cups of coffee a day. When heavy coffee drinkers were given (unknown to them) caffeine-free coffee in place of their usual brew, they experienced definite withdrawal symptoms such as headaches and nervousness. Seven to 10 cups of coffee daily can produce acute toxic effects. "Insomnia, restlessness, and excitement are the early symptoms," writes one researcher, and they "may progress to mild delirium." Caffeine tablets can be bought off the shelves of most drug stores, and they have proven to be quite popular with late-studying students and truck drivers when they cannot get, as one country song goes, "little white pills" (amphetamines) to keep their "eyes open wide."

"Tobacco," writes Brecher, "is one of the most physiologically damaging substances used by man." Cigarettes are the chief cause of lung cancer, and tobacco is a factor in other cancers, coronary artery disease and emphysema of the lungs. "Since nicotine is one of the most perniciously addicting drugs in common use, most tobacco users are 'hooked' and, in effect, *locked* to the damaging effects of the tobacco," writes Brecher. Tobacco use spread throughout Europe and Asia Minor in the 17th century in spite of government and religious edicts against it. Two popes issued formal bulls against tobacco, and Sultan Murad IV decreed the death penalty for persons caught smoking in Constantinople. And when the sultan said *No Smoking*, he really meant it. Brecher quotes from one chronicle: " 'Even on the battlefield he [the Sultan] was fond of surprising men in the act of smoking, when he would punish them by beheading, hanging, quartering, or crushing their hands and feet and leaving them helpless between the lines.' "

The edicts against tobacco in the 17th century had little effect. People kept smoking in spite of sultans, popes and high prices then just as they keep smoking now in spite of lung cancer, heart attacks and high prices. Surveys have shown that about three-fourths of all smokers realize that tobacco smoking is harmful to health, but many refuse to regard smoking as addiction. "They still see smoking," Brecher says, "as a 'bad habit,' to be given up like fingernail-biting or thumb-sucking." Yet the evidence is conclusive that it is nicotine addiction—not "flavor" or "enjoyment"—that compels smokers to continue to draw smoke into their lungs. The surgeon general's report on smoking in 1964 led some people to give up the weed, and the cigarette manufacturers were clearly on the ropes. They soon recovered and brilliantly turned the report to their commercial advantage. They cut down the nicotine and tar in their cigarettes and trumpeted the news as if they were now selling vitamins. Many smokers and ex-smokers were conned into believing that the filtered, low-nicotine brands were less damaging when in fact they are worse. Because a smoker is addicted to a certain level of nicotine, he must smoke *more* low-nicotine cigarettes to get the same amount of the drug he got from his old, high-nicotine brand. If he does not, he will experience withdrawal pains. So by switching to the new low-nicotine brands, a smoker may wind up taking more carcinogenic smoke into his lungs than he did before. More smoking means, of course, more cigarette sales, and from 1964 to 1970 retail cigarette sales rose more than three billion dollars to an estimated $10.5 billion. Cigarette consumption increased again in 1971.

Brecher notes that "no country that has ever learned to use tobacco has given up the practice," but he does not believe that prohibition of cigarettes, which was actually tried in more than a dozen states in the 1920s, would work. As a palliative, he suggests that we "develop a short cigarette with *high* nicotine content, capable of delivering a maximum of nicotine to the bloodstream with a minimum of smoke to the lungs." Because there are no drugs which can be substituted for nicotine (as methadone can satisfy heroin addiction), Brecher also suggests we "popularize chewing tobacco and snuff" to satisfy nicotine addiction.

While most cigarette smokers are addicts in the true sense of the word, Brecher estimates that 10 to 12 percent of all drinkers are alcoholics or "problem drinkers." Like heavy smoking, heavy

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drinking over a long period of time leads to serious physiological damage; in this instance, "irreversible brain and liver damage." "Alcohol is also by a wide margin the biggest law-enforcement problem in the United States today," says Brecher. A significant number of homicides, suicides and automobile accidents result from persons abusing alcohol. Prohibition of alcohol failed, and Brecher does not suggest it be tried again. With sales of alcoholic beverages running some $15 billion a year, it is not likely to be.

Legal drug taking, then, is an established part of life in the United States. The industries which have organized around these drugs and, in the case of tobacco, drug addiction have yearly sales on the order of tens of billions of dollars. The advertising industry and the media, in turn, make their billions as the principal pushers of legal drugs. One popular men's magazine recently took a full-page ad in *The New York Times* to list its advertisers for December: about half were alcohol or tobacco companies.

Public concern these days has been focused on the use of illicit drugs. Opiates, we learn from Brecher, were sold over the counter as home remedies throughout 19th-century America: they were as easy to buy as aspirin is today. One opiate, laudanum, was used to quiet crying babies. Although opiate addiction was widespread in the United States in the late 1900s, there was no strong public sentiment against its recreational use. "Demon rum" was the only target of the growing Prohibition Party. Cocaine was a popular stimulant at the turn of the century, and one of its most blatant publicists was Sigmund Freud (not a good recommendation, since Freud was addicted to cigar smoking, which led to some 33 operations for cancer of the jaw and oral cavity in the last 16 years of his life).

References to *Cannabis sativa* or marijuana in Asia date from more than 2000 years before Christ. It was later eaten, smoked and used in a sort of sauna bath for its intoxicant qualities by Asian and Arab peoples. It eventually spread to the new world, and George Washington who grew hemp at Mount Vernon to make rope left some references in his diary which imply that the father of our country separated the female and male hemp plants to increase the potency of the resin from which is made hashish. Marijuana was legal in the United States until the 1930s; then, one by one, states began to legislate against it. One factor in the banning of marijuana was the appearance of lurid articles in the popular magazines. The Federal Bureau of Narcotics and its director, Harry J. Anslinger, apparently had a hand in feeding the journalists the information or, rather, misinformation on which these articles were based. Anslinger himself wrote one article describing a marijuana "addict" [*sic*] who had allegedly murdered his parents, two brothers and a sister with an ax. Federal law was amended to regard marijuana as it did the opiates and cocaine.

For the first 67 chapters of this lengthy book, Brecher discusses the various drugs in their historical and modern contexts, and to this layman they appear well researched and well thought out. The final three chapters are another matter. They read as if they were thrown together by a committee working against a deadline. I am not sure whose work it is, but rather than attribute them to Brecher alone, I will regard them as the conclusions and recommendations of Brecher and the editors of *Consumer Reports*. Indeed some of the paragraphs begin with: "Consumers Union recommends . . ."

"Stop emphasizing measures designed to keep drugs away from people" is the first recommendation, but seven pages later CU contradicts itself by suggesting that "law-enforcement resources are wasted on futile efforts to keep heroin away from heroin addicts instead of concentrating on the essential task: keeping heroin away from nonaddicts." How does CU suppose most nonusers get started on heroin? They get started on heroin by getting it from addicts of their acquaintance. Whether these addicts get their heroin on the street or from a clinic, if there is an abundant supply, experience has shown it will be shared with nonusers and nonaddicts.

Brecher and the CU editors recommend that we "stop misclassifying drugs." They are on solid ground when they apply their recommendation to the misclassification of marijuana but less so when they blanketly criticize the classification provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970. On the contrary, the strict Schedule II controls of the 1970 law made it possible to curtail the production of billions of doses of amphetamine which, under the more lax Schedule III provisions, were being mailed by some pharmaceutical houses to nonexistent Mexican drug stores or were being too freely prescribed by physicians as appetite depressants. In actuality, only thousands of doses should be manufactured each year for the treat-

Veteran

On a morning such as this
He comes out early to the curb
He knows
On mornings such as this
When life leaps in whole bodies like a colt
That pulls upon the leash . . .
Men give to what they hate
And shudder . . . and walk on elate,
With beautiful loud feet and upon the silence
That rears up like a formless head
Out of the blind stone.

And so
On mornings such as this
Before the air has lost that sweet astringency
He comes more early to the curb
And feels the sunlight soft as a warm fleece,
The eager light
That gambols down the pavement like a lamb
And stumbles on him with its shining feet.

LOLA RIDGE

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ment of narcolepsy and a few other rare diseases. CU seems unaware, however, that not all drug abuse is the result of choice and that thousands of people have become dependent on amphetamines obtained by a doctor's prescription and that limiting the supply and restricting prescriptions to the treatment of a few rare diseases (as Canada recently did) can be constructive ways to prevent drug dependence.

CU recommends that all federal laws concerning the growth, trafficking and use of marijuana be repealed, but instead of suggesting a model law to replace them, "Consumers Union recommends that each of the fifty states similarly repeal its existing marijuana laws and pass new laws legalizing the cultivation, processing, and orderly marketing of marijuana—subject to appropriate regulations." *Who* should grow, process and market marijuana is left in the air or for a "national marijuana commission" to decide.

A few years ago an unnamed tobacco company official told a magazine reporter that the companies would be "fools" if they had not already looked into the possibility of their one day marketing legalized marijuana. If it is legalized, then you can bet the cigarette companies will be prepared to jump in with both feet. Perhaps they will even blend it with tobacco to addict non-cigarette smokers to nicotine and increase profits even more. CU shows itself to be unforgivably naive when it suggests that each state be allowed to "experiment" with its own means of marijuana distribution. How do you suppose such laissez-faire federalism would work in the special-interest dominated legislatures in most of our states? The tobacco companies did not make their billions marketing lung cancer and holding down tobacco taxes without learning how to lean on state legislators. CU deplores the costs of alcohol and nicotine but then makes no effort to estimate what society would have to pay for another legal intoxicant. The worst argument for legalizing marijuana is that alcohol and nicotine are legal. Half the dead and maimed on our highways are the result of drinking drivers; how many more would marijuana users add to the toll? That criminal penalties for persons who use marijuana should be ended is, I think, nondebatable, but legalization of the drug is another question which deserves more serious treatment than CU has given it.

Peter J. Ognibene

Independence Entangled

The Rise and Decline of Fidel Castro

by Maurice Halperin

(University of California Press; $12.95)

At the end of a passage describing the euphoric early days of the Cuban Revolution, Maurice Halperin laments: "Alas, it was destined to change." In effect, this attitude symbolizes his reaction and assessment of Castro and Cuba, in this first volume of a two-part study of the revolution from the first days of Fidelismo to the present. A note of frustration which occasionally marks his narrative of the first five years of the revolution undoubtedly comes from his sense of the unfulfilled promise of the July 26th Movement. For a great many Western intellectuals (including Halperin), this has been a characteristic reaction. In the first exuberant months, it seemed as if Cuba might become the first Socialist revolution to rise spontaneously out of historical circumstances, not led by a rigid party structure, and the first to proclaim a "joyous socialism," rather than the tortuous necessities of work norms, ideological conformity and sacrifice. After several years of living in Cuba, through its best and bleakest moments, Halperin feels that this possibility is extinguished. One feels that he wanted very much for it to succeed. His book is an explanation of why the revolution failed.

Although the current volume only covers the first five years of the revolution, the author breaks into the chronology to keep the next years' events in mind. Everything about the revolution was in flux as he sees it, but at the same time Castro's bungling, bravado and adventurism made surrender to a rigid, bureaucratic socialism almost inevitable. Nothing, from Halperin's point of view, could be a sadder reflection of this devolution than the support Cuba lent to the 1968 Soviet invasion of Czechoslovakia.

Halperin's basic argument is that Castro's "rise and decline" must be seen as an international event. For this reason he writes primarily about the foreign policy of the revolution (the only pictures in the book show Castro during his 1963 trip to the Soviet Union). If it is accurate to say that the revolution was pushed leftward and finally into an alliance with the Soviet Union by the inept and hostile policy of the United States, then it is also true that Cuba's fate has continued to depend upon the international struggle between the US and the Soviet Union. While Castro may have been committed to Cuban nationalism and social reform at home, he could, ironically, only achieve these goals by means of an aggressive foreign policy.

Castro remains a vague and blustery figure while Che Guevara figures hardly at all. By placing his emphasis elsewhere, Halperin tells the story of the revolution through the events which touched it from the outside, particularly those which effected its ties to the Communist world. Most important were the Sino-Soviet struggle, the world price of sugar, the internal bureaucratic struggle of the USSR, the changing American presidency, the role of the Cuban Communist Party, the CIA, and so on. Gathering his facts primarily from magazine and newspaper articles, plus his own first-hand knowledge of events, he pieces together a fascinating reading of Castro's speeches, policy changes and their context. The shifting and rather indecisive attitude of the revolutionary leadership toward artistic and intellectual liberty, for example, has stemmed from Castro's need to balance conflicting demands: for orthodoxy by Cuban and Russian Communists, and for greater freedoms by Western intellectuals.

Castro's dilemma has always been to assert Cuban independence, and yet retain alignment with the USSR. Perhaps this contradictory policy was doomed, if for no other reason than Cuba's enormous dependence upon other nations to absorb her products and provide her with energy. In any case, when Castro opted to exploit the Cold War and let Khrushchev foot the bill, he created the crisis which Halperin pinpoints. He made the economic success of the revolution at home an

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absolute necessity, yet a necessity that could only be met with outside help. Castro's own impatience, inefficiency and indecision made matters worse. From the early attempts to industrialize to the abrupt and devastating decision to produce a mammoth sugar crop in 1970, the Cuban economy, the author argues, has continually sunk to lower levels. The result is Castro's dependence upon the Soviet Union, an admission of failure.

Halperin's emphasis on foreign affairs makes good sense, but leaves little room for discussion of the internal dynamics of the revolution and of the impact of social reforms on the population. It makes what Castro said and did, and the revolution itself, explicable only in a sort of code of international affairs. However, given the volatile nature of Cuban politics and the Cold War, it still seems too early to write off the revolution.

James Gilbert

In Brief

Disturbers of the Peace by Colman McCarthy

(Houghton Mifflin; $5.95)

"Profiles in Non-Adjustment" is the subtitle. There are 18 fine profiles in all, from that of a school bus entrepreneur who fought the "corporate callousness" of GM, to profiles of the long-term ideological dissidents Dorothy Day and Thomas Merton. An abbreviated version of the Dorothy Day profile was recently printed in these pages (*TNR*, Feb. 24). Much of the rest of the book first appeared in different form in *The Washington Post*.

The Devil Tree by Jerzy Kosinski

(Harcourt Brace Jovanovich; $6.95)

Connoisseurs of these matters know that when a character in a novel packs a name like Jonathan James Whelan, he must be rich, very rich. This particular Jonathan James Whelan is fantastically

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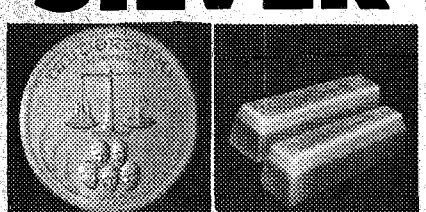

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rich, sole heir of one of America's great industrial and banking fortunes. He has what all the Sunday supplements and glossy magazines have learned to call an identity crisis; he doesn't know who he is, or, more exactly, which of his many selves is in the ascendant at a given time. We know he doesn't know because he tells us he doesn't know, again and again and again.

He sets out in search of himself by the usual means, but sex avails him little, and opium makes him sick. Travel gets him nowhere. Group therapy in his encounter group has no noticeable curative effect; fast cars and sleek boats fail him. The girl who for reasons not easily ascertained haunts his dreams and waking hours has a girl friend herself, and in any case she's a downer with identity crises of her own to burn. He's dropped out of Yale and there's no returning. Work is out of the question.

What else is there? Art? God? They're not in the picture. His father amassed a historic fortune but hadn't the time of day for Jonathan; his mother wasn't there when it mattered. His childhood was troubled. They might have given up their secrets; instead they died. He suffered.

Lost he is and lost he remains. Money isn't everything. Love is elusive. Sex isn't love. Life is miasmic, a fever in the blood, a pestilence. Where will it all end?

At intervals in this short novel there are brief reminders of the Kosinski of his sometimes striking first two novels—a certain power of evocation—of mystery, of starkness, of cruelty, of void; but these fragments appear fleetingly in the book's vacuum only to disappear without a trace; flicker and go out.

Pictures of the Journey Back
by Jack Matthews

(Harcourt Brace Jovanovich; $5.95)

Tough old drunk cowboy J. Dan drives halfway across the Midwest to pick up the daughter of a dying woman in his pick-up truck, the Betty Bump, and take her to hospital bedside. The daughter is at first unwilling to leave her distant college-town love nest: "Listen, I'm not about to go through all that hypocritical shit and go back there and put on a big deathbed scene . . . [It] would be dishonest to my own feelings." She does go back, though, bringing her lover, a movie-making nut who keeps taking pictures of J. Dan, who won't stand for it, and of the girl herself, nude on the western prairie. Most of the story takes place in or near the Betty Bump. Struggling through mud, tornado and bourbon the trio arrives finally at the hospital. The mother dies, the lovers skip away to return to their nest, and J. Dan (who had been the mother's man) gets drunk. That's all, except for the characters themselves who emerge with a fine vividness, and the remarkable cumulative atmosphere of empty lives. This is a strong though uneven story; Jack Matthews neatly mixes irony and sympathy, and with rare skill plucks humanity out of the most sordid, least promising corners. It is perhaps too bad the boy and girl have to be so arty; suddenly in the middle of a howling desert the reader gets the uncomfortable sensation that he's in the next room to a writing (or film) workshop.

Kauffmann, *from page 28*

the tycoons juggled, swindled, and raped. All that happened in this century was that the loci of power increased on a downward social graph, and the morality of power went along with them. In 1900 Lemmon would have been a manager for a huge manufacturer, scrupulously honest, with no real chance for ethical temptation, or he would have been a small manufacturer with the mentality of a manager. Now he is a small tycoon who—one may say perversely—is so crippled by his heritage of clerkdom that he doesn't have the brass to be a ruthless tycoon.

I suppose this dark view of American ethics is somewhat overstated, but at least it's a corrective to the dreadful sentimentality that this kind of script leans on—Things used to be Better—the sort of romance that Senator McGovern invoked last fall with his "Come home, America." Come home to what? The Indian Wars, Jay Gould, the Teapot Dome, Gastonia? Underneath the Currier and Ives trappings, just where *was* that lost Eden which we want again and which cheapjack writers try to jerk tears

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with? There is, probably, some hope for morality in this country, but it doesn't lie in illusions about the past.

John G. Avildsen, who made a moderately impressive directing debut with *Joe* and then dimmed himself a bit with *Cry Uncle*, shows here again that he has skill, particularly in the use of camera movement within a shot. I wish he would forget telephoto lenses, and he overuses the device of a figure in close-up profile against whom background characters play, but he has some genuine gifts. The only paralyzed moments are those in the script that neither he nor Lemmon can lick: a speech at the fashion show in which Lemmon fancies he can see his dead wartime buddies and a word game with the hippie girl.

Jean-Luc Godard's new film *Tout Va Bien* begins with shots of checks being signed to pay for the production. Thus he tells us he knows he is back in the commercial fold after making several radical films (his most sincere) on shoestrings. His new picture has a nominal co-director, his political pal, Jean-Pierre Gorin, whose influence is invisible; and it has two stars, Jane Fonda and Yves Montand, very visible.

She is an American network correspondent in Paris, he is her lover, a filmmaker now "temporarily" making TV commercials. They met during the troubles of May '68, and if the picture has a consistent theme, it is a probe into the heritance of May '68—in them and in France generally. The pair visit a food-processing plant that's on strike and get locked in with the boss—an Italian who speaks French with the foreign accent that Godard likes to mock. The conflict between the wildcat strikers and their union is a miniature of the Maoist versus Soviet schism that Godard often dwells on, itself an echo of '68. Montand and Fonda may be coming to the parting of the ways, as her feminine consciousness is being raised and his morale—about his work—is being lowered. After they get out of the factory we see him at his silly job, we see her attempts at candid reporting being hamstrung by her employers. She goes off on an assignment; when she returns and they meet in a cafe, they may or may not continue together.

Everything of any importance in this film has been seen in Godard's films many times before: in technique, antitechnique, and idea. In his earlier "commercial" period his politics served generally as stylistic apparatus; in his "outside" period his politics seemed much more genuine. They generated his esthetics—with great *longueurs* and clumsiness but with great conviction. Now he is back inside again, and again the politics is moving to the same pretty plane as Armand Marco's neat photography.

In the factory Godard uses a two-floor setting sheared off vertically so that we can see into rooms upstairs and down at the same time, a theatrical device dating at least from O'Neill's *Desire Under the Elms* (1924). His own familiar devices also stud the film: shots held very long, shots intercut subliminally, overlapping cutting (the same action seen from different angles), and, of course, the interview, in which a character faces the camera and answers questions that we don't hear. The one device of his that still has some juice is the very slow dolly shot, with which here he traverses the length of a Lille supermarket and back, several times, using the discoveries and returns for humorous observation and sometimes surprise.

Because of the food-plant sequences, *Tout Va Bien* reminded me of Tanner's *La Salamandre*, a much more mature work on—fundamentally—the same theme: the struggle to keep human beings human. Next to Tanner's picture, *Tout Va Bien* looks like cinematic graffiti: rhetoric full of bravado. Tanner, I'm sure, would acknowledge a debt to Godard, and it may be that Godard's chief gift to film will have been stimulation. Not a bad gift; but it doesn't make this latest picture stimulating in itself.

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